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FROM

Family of Prof. F. D. Allen

Frederic D. Allen,



THE  
HISTORY  
OF THE  
LIFE  
OF  
M. TULLIUS CICERO.

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*Hunc igitur spectemus. Hoc propositum fit nobis exemplum.*

*Ille se profecisse sciat, cui CICERO valde placebit.*

QUINTIL. Institut. l. x. 1.

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By CONYERS MIDDLETON, D. D.

PRINCIPAL LIBRARY-KEEPER OF THE UNIVERSITY  
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VOL. I.

A NEW EDITION.

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BASIL:

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M D C C X C.



From the family of  
Prof. F. D. Allen  
(4v)

To the RIGHT HONORABLE  
JOHN LORD HERVEY,  
Lord Keeper of His Majesty's Privy Seal.

MY LORD,

THE public will naturally expect, that in chusing a Patron for *the Life of CICERO*, I should address myself to some person of illustrious rank, distinguished by his parts and eloquence, and bearing a principal share in the great affairs of the Nation; who, according to the usual style of Dedications, might be the proper subject of a comparison with the Hero of my piece. Your Lordship's name will confirm that expectation, and Your character will justify me in running some length into the parallel; but my experience of your good sense forbids me the attempt. For Your Lordship knows what a disadvantage it would be to any character, to be placed in the same light with that of CICERO; that all such comparisons must be invidious and adulatory;

and that the following History will suggest a reason in every page, why no man now living can justly be compared with him.

I do not impute this to any superiority of parts or genius, peculiar to the Ancients; for human nature has ever been the same in all ages and nations, and owes the difference of it's improvements, to a difference only of culture, and of the rewards proposed to it's industry: where these are the most amply provided, there we shall always find the most numerous and shining examples of human perfection. In old *Rome*, the public honors were laid open to the virtue of every Citizen; which, by raising them in their turns to the command of that mighty Empire, produced a race of Nobles, superior even to Kings. This was a prospect, that filled the soul of the ambitious, and roused every faculty of mind and body, to exert its utmost force: whereas in modern states men's views being usually confined to narrow bounds, beyond which they cannot pass, and a partial culture of their talents being sufficient to procure every thing, that their ambition can aspire to, a great genius has seldom either room or invitation to stretch itself to it's full size.

## D E D I C A T I O N.

v

You see, my Lord, how much I trust to your good nature, as well as good sense, when in an *Epistle dedicatory*, the proper place of Panegyric, I am depreciating your abilities, instead of extolling them: but I remember, that it is a History, which I am offering to Your Lordship, and it would ill become me, in the front of such a work, to expose my veracity to any hazard: and my head indeed is now so full of antiquity, that I could wish to see the dedicatory style reduced to that classical simplicity, with which the ancient writers used to present their books to their friends or Patrons, at whose desire they were written, or by whose authority they were published: for this was the first use, and the sole purpose of a *Dedication*; and as this also is the real ground of my present address to Your Lordship, so it will be the best argument of my Epistle, and the most agreeable to the character of a Historian, to acquaint the public with a plain fact, that it was Your Lordship, who first advised me, to undertake the *Life of CICERO*; and when from a diffidence of my strength, and a nearer view of the task, I began to think myself unequal to the weight of it, Your Lordship still urged and

## DEDICATION.

exhorted me to persist, till I had moulded it into the form, in which it now appears.

THUS far Your Lordship was carried by *that love for CICERO*, which, as one of the *best Critics* of antiquity assures us, is the undoubted proof of a true taste. I wish only, that the favor, which you have since shown to *my English CICERO*, may not detract from that praise, which is due to Your love of the *Roman*: but whatever censure it may draw upon Your Lordship, I cannot prevail with myself to conceal, what does so much honor to my work; that, before it went to the Press, Your Lordship not only saw and approved, but as the sincerest mark of Your approbation, corrected it. It adds no small credit to the History of POLYBIUS, that he professes to have been assisted in it by SCIPIO and LAELIUS; and even TERENCE's style was made the purer, for it's being retouched by the same great hands. You must pardon me therefore, my Lord, if, after the example of those excellent Authors, I cannot forbear boasting, that some parts of my present work have been brightened by the strokes of your Lordship's pencil.

It was the custom of those *Roman Nobles*, to

spend their leisure, not in vicious pleasures, or trifling diversions, contrived, as we truly call it, *to kill the time*; but in conversing with the celebrated Wits and Scholars of the age: in encouraging other people's learning, and improving their own: and here Your Lordship imitates them with success, and for love of letters and politeness may be compared with the Noblest of them. For your house, like theirs, is open to men of parts and merit; where I have admired Your Lordship's agreeable manner of treating them all in their own way, by introducing questions in literature and varying them so artfully, as to give every one an opportunity, not only of bearing a part, but of leading the conversation in his turn. In these liberal exercises You drop the cares of the Statesman; relieve Your fatigues in the Senate; and strengthen Your mind, while You relax it.

ENCOMIUMS of this kind, upon persons of Your Lordship's quality, commonly pass for words of course, or a fashionable language to the Great, and make little impression on men of sense, who know learning, not to be the fruit of wit or parts, for there Your Lordship's title would be unquestionable, but an acquisition of much labor

and study, which the Nobles of our days are apt to look upon, as inconsistent with the ease and splendor of an elevated fortune, and generally leave to men of professions and inferior Life. But Your Lordship has a different way of thinking, and by Your education in a public School and University, has learnt from Your earliest youth, that no fortune can exempt a man from pains, who desires to distinguish himself from the vulgar: and that it is a folly in any condition of life, to aspire to a superior character, without a superior virtue and industry to support it. What time therefore others bestow upon their sports, or pleasures, or the lazy indolence of a luxurious life, Your Lordship applies to the improvement of Your knowledge, and in those early hours, when all around You are hushed in sleep, seize the opportunity of that quiet, as the most favorable season of study, and frequently spend an useful day, before others begin to enjoy it.

I AM saying no more, my Lord, than what I know, from my constant admission to Your Lordship in my morning-visits, before good manners would permit me to attempt a visit any where else; where I have found You commonly

engaged with the Classical writers of *Greece* or *Rome*; and conversing with those very dead, with whom *Scipio* and *Lælius* used to converse so familiarly when living. Nor does Your Lordship assume this part for ostentation or amusement only, but for the real benefit both of Yourself and others; for I have seen the solid effects of Your reading, in your judicious reflections on the policy of those ancient Governments, and have felt Your weight even in controversy, on some of the most delicate parts of their History.

THERE is another circumstance peculiar to Your Lordship, which makes this task of Study the easier to You, by giving You not only the greater health, but the greater leisure to pursue it; I mean that singular temperance in diet, in which Your Lordship perseveres with a constancy, superior to every temptation, that can excite an appetite to rebel; and shows a firmness of mind, that subjects every gratification of sense to the rule of right reason. Thus with all the accomplishments of the Nobleman, You lead the life of a Philosopher; and while You shine a principal ornament of the Court, You practise the discipline of the College.

In old Rome there were no hereditary honors; but when the virtue of a family was extinct, its honor was extinguished too; so that no man, how nobly soever born, could arrive at any dignity, who did not win it by his personal merit: and here again Your Lordship seems to have emulated that ancient spirit; for though born to the first honors of Your country, yet disclaiming as it were Your birthright, and putting Yourself upon the foot of a Roman, You were not content with inheriting, but resolved to import new dignities into Your family; and after the example of Your Noble Father, to open Your own way into the supreme Council of the Kingdom. In this august Assembly, Your Lordship displays those shining talents, by which You acquired a seat in it, in the defence of our excellent Establishment; in maintaining the rights of the people, yet asserting the prerogative of the Crown; measuring them both by the equal balance of the laws; which by the provident care of our Ancestors, and the happy settlement at the Revolution, have so fixed their just limits, and moderated the extent of their influence, that they mutually defend and preserve, but can never destroy each other without a general ruin.

IN a nation like ours, which from the natural effect of freedom, is divided into opposite parties, though particular attachments to certain principles, or friendships with certain men, will sometimes draw the best Citizens into measures of a subordinate kind, which they cannot wholly approve; yet whatever envy Your Lordship may incur on that account, You will be found, on all occasions of trial, a true friend to our constitution both in Church and State: which I have heard You demonstrate with great force, to be the bulwark of our common peace and prosperity. From this fundamental point, no engagements will ever move, or interest draw You; and though men inflamed by opposition are apt to charge each other with designs, which were never dreamt of perhaps by either side, yet if there be any, who know so little of You, as to distrust Your principles, they may depend at least on Your judgment, that it can never suffer a person of Your Lordship's rank, born to so large a share of the property, as well as the honors of the nation, to think any private interest an equivalent, for consenting to the ruin of the public.

I MENTION this, my Lord, as an additional reason for presenting You with *the Life of Cicero*: for were I not persuaded of Your Lordship's sincere love of liberty, and zeal for the happiness of Your fellow-citizens, it would be a reproach to You to put into Your hands the Life of a man, who in all the variety of his admirable talents, does not shine so glorious in any, as in his constant attachment to the true interests of his country, and the noble struggle that he sustained, at the expense even of his Life, to avert the impending tyranny, that finally oppressed it.

BUT I ought to ask Your Lordship's pardon for dwelling so long upon a character, which is known to the whole Kingdom, as well as to myself; not only by the high Office, which You fill, and the eminent dignity that You bear in it, but by the sprightly compositions of various kinds, with which Your Lordship has often entertained it. It would be a presumption, to think of adding any honor to Your Lordship by my pen, after You have acquired so much by Your own. The chief design of my Epistle is, to give this public testimony of my thanks for

the signal marks of friendship, with which Your Lordship has long honored me; and to interest Your name, as far as I can, in the fate and success of my work; by letting the world know, what a share You had in the production of it; that it owed its being to Your encouragement; correctness to Your pencil; and what many will think the most substantial benefit, its large subscription to Your authority. For though, in this way of publishing it, I have had the pleasure to find myself supported by a noble list of generous friends, who without being solicited, or even asked by me, have promoted my subscription with an uncommon zeal, yet Your Lordship has distinguished Yourself the most eminently of them, in contributing not only to the number, but the splendor of the names, that adorn it.

NEXT to that little reputation, with which the public has been pleased to favor me, the benefit of this subscription is the chief fruit, that I have ever reaped from my studies. I am indebted for the first to Cicero, for the second to Your Lordship: it was Cicero, who instructed me to write; Your Lordship, who rewards me for

writing: the same motive therefore, which induced me to attempt the history of the one, engages me to dedicate it to the other; that I may express my gratitude to you both, in the most effectual manner that I am able, by celebrating the memory of the dead, and acknowledging the generosity of my living Benefactor.

I HAVE received great civilities, on several occasions, from many Noble persons, of which I shall ever retain a most grateful sense: but your Lordship's accumulated favors have long ago risen up to the character of obligations, and made it my perpetual duty, as it had always been my ambition, to profess myself with the greatest truth and respect,

My Lord,

Your Lordship's

Most obliged and

Devoted Servant,

Conyers Middleton.

# P R E F A C E.

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HERE is no part of History, which seems capable of yielding either more instruction or entertainment, than that which offers to us the select lives of great and virtuous men, who have made an eminent figure on the public stage of the world. In these we see at one view, what the annals of a whole age can afford, that is worthy of notice; and in the wide field of universal History, skipping as it were over the barren places, gather all its flowers, and possess ourselves at once of every thing that is good in it.

But there is one great fault, which is commonly observed in the writers of particular lives, that they are apt to be partial and prejudiced in favor of their subject, and to give us a panegyric, instead of a History. They work up their characters, as Painters do their Portraits; taking the praise of their art to consist, not in copying, but in adorning nature; not in drawing a just resemblance, but in giving a fine picture; or exalting the man into the Hero: and this indeed seems to flow from the nature of the thing itself; where the very inclination to write is generally grounded on a prepossession, and an affection already contracted for the person, whose history we are attempting; and

when we sit down to it with the disposition of a friend, it is natural for us, to cast a shade over his failings; to give the strongest coloring to his virtues; and out of a good character, to endeavour to draw a perfect one.

I am sensible, that this is the common prejudice of Biographers, and have endeavoured therefore, to divest myself of it, as far as I was able; yet dare not take upon me to affirm, that I have kept myself wholly clear from it; but shall leave the decision of that point to the judgment of the reader: for I must be so ingenuous as to own, that when I formed the plan of this work, I was previously possessed with a very favorable opinion of Cicero; which, after the strictest scrutiny, has been greatly confirmed and heightened in me: and in the case of a shining character, such as Cicero's, I am persuaded, will appear to be, it is certainly more pardonable to exceed rather in our praises of it, out of a zeal for illustrious merit, than to be reserved in doing justice to it, through a fear of being thought partial. But that I might guard myself equally from both the extremes, I have taken care always to leave the facts to speak for themselves, and to affirm nothing of any moment without an authentic testimony to support it; which yet, if consulted in the original at it's full length, will commonly add more light and strength to what is advanced, than the fragments quoted in the margin, and the brevity of notes would admit.

But

But whatever prejudices may be suspected to adhere to the writer, it is certain, that in a work of this nature, he would have many more to combat in the reader. The scene of it is laid in a place and age, which are familiar to us from our childhood: we learn the names of all the chief actors at school, and chuse our several favorites according to our tempers or fancies; and when we are least able to judge of the merit of them, form distinct characters of each, which we frequently retain through life. Thus Marius, Sylla, Cæsar, Pompey, Cato, Cicero, Brutus, Antony, have all their several advocates, zealous for their fame, and ready even to quarrel for the superiority of their virtues: But among the celebrated names of antiquity, those of the great Conquerors and Generals attract our admiration always the most, and imprint a notion of magnanimity, and power, and capacity for dominion, superior to that of other mortals: we look upon such, as destined by heaven for Empire, and born to trample on their fellow-creatures; without reflecting on the numerous evils, which are necessary to the acquisition of a glory, which is built upon the subversion of nations, and the destruction of the human species. Yet these are the only persons, who are thought to shine in History, or to merit the attention of the reader: dazzled with the splendor of their victories, and the pomp of their Triumphs, we consider them as the pride and ornaments of the Roman name;

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while the pacific and civil character, though of all others the most beneficial to mankind, whose sole ambition is, to support the laws, the rights and liberty of his Citizens, is looked upon as humble and contemptible on the comparison, for being forced to truckle to the power of these Oppressors of their country.

In the following History therefore, if I have happened to affirm any thing, that contradicts the common opinion, and shocks the prejudices of the reader, I must desire him to attend diligently to the authorities on which it is grounded; and if these do not give satisfaction, to suspend his judgement still to the end of the work; in the progress of which, many facts will be cleared up, that may appear at first perhaps uncertain and precarious: and in every thing especially, that relates to Cicero, I would recommend to him, to contemplate the whole character, before he thinks himself qualified to judge of it's separate parts, on which the whole will always be found the surest comment:

Quintilian has given us an excellent rule, in the very case; that we should be modest and circumspect, in passing a judgment on men so illustrious, lest, as it happens to the generality of censurers, we be found at last to condeinn, what we do not understand<sup>1</sup>. There is another reflection likewise very obvious, which yet seldom has it's due weight; that a writer on any part of History, which he has made his particular study, may be

presumed to be better acquainted with it, than the generality of his readers ; and when he asserts a fact, that does not seem to be well grounded, it may fairly be imputed, till a good reason appears to the contrary, to a more extensive view of his subject; which, by making it clear to himself, is apt to persuade him, that it is equally clear to every body else ; and that a fuller explication of it would consequently be unnecessary. If these considerations, which are certainly reasonable, have but their proper influence, I flatter myself, that there will be no just cause to accuse me of any culpable bias in my accounts of things or persons, or of any other favor to the particular character of Cicero, than what common humanity will naturally bestow upon every character, that is found upon the whole to be both great and good.

In drawing the characters of a number of persons, who all lived in the same City, at the same time; trained by the same discipline, and engaged in the same pursuits; as there must be many similar strokes, and a general resemblance in them all, so the chief difficulty will be, to prevent them from running into too great an uniformity. This I have endeavoured to do, not by forming ideal pictures, or such as would please or surprise; but by attending to the particular facts, which history has delivered of the men, and tracing them to their source, or to those correspondent affections, from which they derived their birth: for these are the distinguishing

features of the several persons ; which , when duly represented , and placed in their proper light , will not fail to exhibit that precise difference , in which the peculiarity of each character consists .

As to the nature of my work , though the title of it carries nothing more , than the History of Cicero's Life , yet it might properly enough be called , the History of Cicero's Times : since from his first advancement to the public Magistracies , there was not any thing of moment transacted in the state , in which he did not bear an eminent part : so that , to make the whole work of a piece , I have given a summary account of the Roman affairs , during the time even of his minority ; and agreeably to what I promised in my proposals , have carried on a series of History , through a period of above sixty years , which for the importance of the events , and the dignity of the persons concerned in them , is by far the most interesting of any in the Annals of Rome .

In the execution of this design , I have pursued , as closely as I could , that very plan , which Cicero himself had sketched out , for the model of a complete History . Where he lays it down as a fundamental law , " that the writer should not dare to " affirm what was false , or to suppress what was " true ; nor give any suspicion either of favor or " disaffection : that in the relation of facts , he should " observe the order of time , and sometimes add " the description of places ; should first explain the

“ counsels ; then the acts ; and lastly the events of things : that in the counsels , he should interpose his own judgment on the merit of them ; in the acts , relate not only what was done , but how it was done ; in the events , show what share chance , or rashness , or prudence had in them : that he should describe likewise the particular characters of all the great persons , who bear any considerable part in the story ; and should dress up the whole in a clear and equable style , without affecting any ornament , or seeking any other praise but of perspicuity . ” These were the rules that Cicero had drawn up for himself , when he was meditating a general History of his Country , as I have taken occasion to mention more at large in it’s proper place .

But as I have borrowed my plan , so I have drawn my materials also from Cicero : whose works are the most authentic monuments that remain to us , of all the great transactions of that age ; being the original accounts of one , who himself was not only a spectator , but a principal actor in them . There is not a single part of his writings , which does not give some light , as well into his own History , as into that of the Republic : but his familiar Letters , and above all those to Atticus , may justly be called the memoirs of the times ; for they contain , not only a distinct account of every memorable event , but lay open the springs and motives , whence each of them proceeded ; so that ,

as a polite writer, who lived in that very age, and perfectly knew the merit of these Letters, says, the man who reads them, will have no occasion for any other History of those times <sup>3</sup>.

My first business therefore, after I had undertaken this task, was to read over Cicero's works, with no other view, than to extract from them all the passages that seemed to have any relation to my design: where the tediousness of collecting an infinite number of testimonies scattered through many different volumes; of sorting them into their classes, and ranging them in proper order; the necessity of overlooking many in the first search, and the trouble of retrieving them in a second or third; and the final omission of several through forgetfulness or inadvertency; have helped to abate that wonder, which had often occurred to me, why no man had ever attempted the same work before me, or at least in this enlarged and comprehensive form, in which it is now offered to the public.

In my use of these materials, I have chosen to insert as many of them as I could, into the body of my work; imagining, that it would give both a lustre and authority to a sentiment, to deliver it in the person and the very words of Cicero: especially, if they could be managed so, as not to appear to be sewed on like splendid patches, but woven originally into the text, as the genuine parts of it. With this view I have taken occasion to introduce several of his Letters, with large extracts

from such of his Orations, as give any particular light into the facts, or customs, or characters described in the History, or which seemed on any other account to be curious and entertaining. The frequent introduction of these may be charged perhaps to laziness, and a design of shortening my pains, by filling up my story with Cicero's words instead of my own: but that was not the case; nor has this part of the task been the easiest to me; as those will readily believe, who have ever attempted to translate the Classical writers of Greece and Rome: where the difficulty is, not so much to give their sense, as to give it in their language; that is, in such as is analogous to it, or what they might be supposed to speak, if they were living at this time; since a splendor of style, as well as of sentiments, is necessary to support the idea of a fine writer. While I am representing Cicero therefore as the most eloquent of the ancients, flowing with a perpetual ease and delicacy, and fullness of expression, it would be ridiculous to produce no other specimen of it, but what was stiff and forced, and offensive to a polite reader: yet this is generally the case of our modern versions; where the first wits of antiquity are made to speak such English, as an Englishman of taste would be ashamed to write on any original subject. Verbal translations are always inelegant, and necessarily destroy all the beauty of language; yet by departing too wantonly from the letter, we are apt to vary the sense, and

mingle somewhat of our own : translators of low genius never reach beyond the first ; but march from word to word, without making the least excursion, for fear of losing themselves ; while men of spirit, who prefer the second, usually condemn the mere task of translating, and are vain enough to think of improving their Author. I have endeavoured to take the middle way ; and made it my first care always, to preserve the sentiment ; and my next, to adhere to the words, as far as I was able to express them, in an easy and natural style ; which I have varied still agreeably to the different subject, or the kind of writing, on which I was employed ; and I persuade myself, that the many original pieces, which I have translated from Cicero, as they are certainly the most shining, so will be found also the most useful parts of my work, by introducing the reader the oftener into the company of one, with whom no man ever conversed, as a very eminent writer tells us, without coming away the better for it .

After I had gone through my review of Cicero's writings, my next recourse was to the other Ancients, both Greeks and Romans, who had touched upon the affairs of that age. These served me chiefly, to fill up the interstices of general History, and to illustrate several passages, which were but slightly mentioned by Cicero ; as well as to add some stories and circumstances, which tradition had preserved, concerning either Cicero

himself, or any of the chief actors, whose characters I had delineated.

But the Greek Historians, who treat professedly of these times, Plutarch, Appian, Dio, though they are all very useful for illustrating many important facts of ancient history, which would otherwise have been lost, or imperfectly transmitted to us, are not yet to be read without some caution; as being strangers to the language, and customs of Rome; and liable to frequent mistakes, as well as subject to prejudices in their relation of Roman affairs. Plutarch lived from the reign of Claudius, to that of Hadrian; in which he died very old, in the possession of the Priesthood of the Delphic Apollo: and though he is supposed to have resided in Rome near forty years at different times, yet he never seems to have acquired a sufficient skill in the Roman language, to qualify himself for the compiler of a Roman History. But if we should allow him all the talents requisite to a Historian, yet the attempt of writing the lives of all the illustrious Greeks and Romans, was above the strength of any single man, of what abilities and leisure soever; much more of one, who, as he himself tells us, was so engaged in public business, and in giving lectures of philosophy to the great men of Rome, that he had not time to make himself master of the Latin tongue; nor to acquire any other knowledge of it's words, than what he had gradually learnt by a previous use and experience of

things : his work therefore, from the very nature of it, must needs be superficial and imperfect, and the sketch rather than the completion of a great design.

This we find to be actually true in his account of Cicero's life, where besides the particular mistakes, that have been charged upon him by other writers, we see all the marks of haste, inaccuracy, and want of due information, from the poverty and perplexity of the whole performance. He huddles over Cicero's greatest acts in a summary and negligent manner, yet dwells upon his dreams and his jests, which for the greatest part were probably spurious; and in the last scene of his life, which was of all the most glorious, when the whole counsels of the Empire, and the fate and liberty of Rome rested on his shoulders, there he is more particularly trifling and empty; where he had the fairest opportunity of displaying his character to advantage, as well as of illustrating a curious part of History, which has not well been explained by any writer; though there are the amplest materials for it in Cicero's Letters and Philippic Orations, of which Plutarch appears to have made little or no use.

Appian flourished likewise in the reign of Hadrian, and came to Rome probably about the time of Plutarch's death, while his works were in every body's hands; which he had made great use of, and seems to have copied very closely in the most considerable passages of his history.

Dio Cassius lived still later, from the time of the Antonines to that of Alexander Severus; and besides the exceptions, that lie against him in common with the other two, is observed to have conceived a particular prejudice against Cicero; whom he treats on all occasions with the utmost malignity. The most obvious cause of it seems to be, his envy to a man, who for arts and eloquence was thought to eclipse the fame of Greece; and by explaining all the parts of Philosophy to the Romans in their own language, had superseded in some measure the use of the Greek learning and lectures at Rome, to which the hungry wits of that nation owed both their credit and their bread. Another reason, not less probable, may be drawn likewise from Dio's character and principles, which were wholly opposite to those of Cicero: he flourished under the most tyrannical of the Emperors, by whom he was advanced to great dignity; and being the creature of despotic power, thought it a proper compliment to it, to deprecate a name, so highly revered for it's patriotism; and whose writings tended to revive that ancient zeal and spirit of liberty, for which the people of Rome were once so celebrated: for we find him taking all occasions in his History, to prefer an absolute and monarchical government, to a free and democratical one, as the most beneficial to the Roman state.

These were the grounds of Dio's malice to Cicero, which is exerted often so absurdly, that it betrays

and confutes itself: Thus in the debates of the senate about Antony ; he dresses up a speech for Fufius Calenus , filled with all the obscene and brutal ribaldry against Cicero , that a profligate mind could invent ; as if it were possible to persuade any man of sense , that such infamous stuff could be spoken in the Senate , at a time , when Cicero had an entire ascendant in it , who at no time ever suffered the least insult upon his honor , without chastising the aggressor for it upon the spot : whereas Cicero's speeches in these very debates , which are still extant , show , that though they were managed with great warmth of opposition , yet it was always with decency of language between him and Calenus ; whom while he reproves and admonishes with his usual freedom , yet he treats with civility , and sometimes even with compliments <sup>1</sup>.

But a few passages from Dio himself will evince the justice of this censure upon him : “ he calls Cicero's father , a Fuller , who yet got his livelihood , he says , by dressing other people's vines and olives ; that Cicero was born and bred amidst the scourings of old clothes , and the filth of dunghills ; that he was master of no liberal science , nor ever did a single thing in his life , worthy of a great man , or an Orator : that he prostituted his wife ; trained up his son in drunkenness ; committed incest with his daughter ; lived in adultery with Cerellia ; whom he owns at the same time to be seventy years old <sup>2</sup> : ” all which palpable lies ,

with many more of the same sort, that he tells of Cicero, are yet full as credible as what he declares afterwards of himself, that he was admonished and commanded by a vision from heaven, against his own will and inclination, to undertake the task of writing his History <sup>10</sup>.

Upon these collections from Cicero and the other Ancients, I finished the first draught of my History, before I began to inquire after the modern writers, who had treated the same subject before me, either in whole or in part. I was unwilling to look into them sooner, lest they should fix any prejudice insensibly upon me, before I had formed a distinct judgment on the real state of the facts, as they appeared to me from their original records. For in writing History, as in Travels, instead of transcribing the relations of those, who have trodden the same ground before us, we should exhibit a series of observations, peculiar to ourselves; such as the facts and places suggested to our own minds from an attentive survey of them, without regard to what any one else may have delivered about them: and though in a production of this kind, where the same materials are common to all, many things must necessarily be said, which had been observed already by others; yet if the author has any genius, there will always be enough of what is new, to distinguish it as an original work, and to give him a right to call it his own, which I flatter myself will be allowed to me in the following History. In this

inquiry after the modern pieces , which had any connexion with my argument , I got notice presently of a greater number than I expected , which bore the title of Cicero's life ; but upon running over as many of them as I could readily meet with , I was cured of my eagerness for hunting out the rest ; since I perceived them to be nothing else but either trifling panegyrics on Cicero's general character , or imperfect abstracts of his principal acts , thrown together within the compass of a few pages in duodecimo .

There are two books, however, which have been of real use to me , Sebastiani Corradi Quæstura , and M. T. Ciceronis Historia a Francisco Fabricio : the first was the work of an Italian Critic of eminent learning , who spent a great part of his life in explaining Cicero's writings ; but it is rather an apology for Cicero , than the History of his life ; it's chief end being to vindicate Cicero's character from all the objections , that have ever been made to it ; and particularly from the misrepresentations of Plutarch , and the calumnies of Dio. The piece is learned and ingenious , and written in good Latin ; yet the dialogue is carried on with so harsh and forced an Allegory , of a Quæstor or Treasurer producing the several testimonies of Cicero's acts , under the form of genuine money , in opposition to the spurious coins of the Greek Historians , that none can read it with pleasure , few with patience : the observations , however , are generally just and well-grounded ,

except that the Author's zeal for Cicero's honor gets the better sometimes of his judgment, and draws him into a defence of his conduct, where Cicero himself has even condemned it.

Fabricius's History is prefixed to several editions of Cicero's works, and is nothing more than a bare detail of his acts and writings, digested into exact order, and distinguished by the years of Rome and of Cicero's life, without any explication or comment, but what relates to the settlement of the time; which is the sole end of the work. But as this is executed with diligence and accuracy, so it has eased me of a great share of that trouble, which I must otherwise have had, in ranging my materials into their proper places; in which task, however, I have always taken care to consult also the Annals of Fighius.

I did not forget likewise to pay a due attention to the French Authors, whose works happened to coincide with any part of mine; particularly, the History of the two Triumvirates; of the Revolutions of the Roman Government; and of the Exile of Cicero — which are all of them ingenious and useful; and have given a fair account of the general state of the facts, which they profess to illustrate. But as I had already been at the fountain-head, whence they had all drawn their materials, so the chief benefit, that I received from them, was to make me review with stricter care the particular passages, in which I differed from them; as well

as to remind me of some few things, which I had omitted, or touched perhaps more slightly than they deserved. But the Author of the Exile has treated his argument the most accurately of them, by supporting his story, as he goes along, with original testimonies from the old authors; which is the only way of writing History that can give satisfaction, or carry conviction along with it, by laying open the ground on which it is built; without which History assumes the air of Romance, and makes no other impression, than in proportion to our opinion of the judgment and integrity of the Compiler.

There is a little piece also in our own language, called, Observations on the life of Cicero; which though it gives a very different account of Cicero, from what I have done, yet I could not but read with pleasure, for the elegance and spirit with which it is written, by one who appears to be animated with a warm love of virtue. But to form our notions of a great man, from some slight passages of his writings or separate points of conduct, without regarding their connexion with the whole, or the figure, that they make in his general character, is like examining things in a microscope, which were made to be surveyed in the gross: every mole rises into a mountain, and the least spot into a deformity; which vanish again into nothing, when we contemplate them through their proper medium, and in their natural light. I persuade myself therefore

fore that a person of this writer's good sense and principles, when he has considered Cicero's whole History, will conceive a more candid opinion of the man, who after a life spent in a perpetual struggle against vice, faction and tyranny, fell a Martyr at last to the liberty of his country.

As I have had frequent occasion to recommend the use of Cicero's Letters to Atticus, for their giving the clearest light into the History of those times; so I must not forget to do justice to the pains of one, who by an excellent translation and judicious comment upon them, has made that use more obvious and accessible to all: I mean the learned Mr. Mongault; who not content with retaining the remarks of other Commentators, or out of the rubbish of their volumes, with selecting the best, enters upon his task with the spirit of a true Critic, and by the force of his own genius, has happily illustrated many passages, which all the interpreters before him had given up as inexplicable. But since the obscurity of these Letters is now in great measure removed by the labors of this Gentleman, and especially to his own Countrymen, for whose particular benefit, and in whose language he writes; one cannot help wondering, that the Jesuits, Catrou and Rouillé, should not think it worth while, by the benefit of his pains, to have made themselves better acquainted with them; which, as far as I am able to judge from the little part of their History, that I have had the curiosity to look into,

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would have prevented several mistakes, which they have committed, with regard both to the facts and persons of the Ciceronian age.

But instead of making free with other people's mistakes, it would become me perhaps better to bespeak some favor for my own *A Historian*, says Diodorus Siculus, may easily be pardoned for slips of ignorance, since all men are liable to them, and the truth hard to be traced from past and remote ages: but those, who neglect to inform themselves, and through flattery to some, or hatred to others, knowingly deviate from the truth, justly deserve to be censured. For my part, I am far from pretending to be exempt from errors: all that I can say, is, that I have committed none willfully, and used all the means, which occurred to me, of defending myself against them: but since there is not a single History, either ancient or modern, that I have consulted on this occasion, in which I cannot point out several, it would be arrogant in me to imagine, that the same inadvertency, or negligence, or want of judgment, may not be discovered also in mine: if any man therefore will admonish me of them with candor, I shall think myself obliged to him, as a friend to my work, for assisting me to make it more perfect, and consequently more useful: for my chief motive in undertaking it was, not to serve any particular cause, but to do a general good, by offering to the public the example of a character, which of all, that I am acquainted

with in Antiquity , is the most accomplished with every talent , that can adorn civil life ; and the best fraught with lessons of prudence and duty for all Conditions of men , from the Prince to the private Scholar.

If my pains therefore should have the effect , which I propose , of raising a greater attention to the name and writings of Cicero , and making them better understood and more familiar to our youth ; I cannot fail of gaining my end : for the next step to admiring , is , to imitate ; and it is not possible to excite an affection for Cicero , without instilling an affection at the same time for every thing that is laudable : since how much soever people may differ in their opinion of his conduct , yet all have constantly agreed in their judgment of his works ; that there are none now remaining to us from the Heathen world , that so beautifully display , and so forcibly recommend all those generous principles , that tend to exalt and perfect human nature , the love of virtue , liberty , our country , and of all mankind.

I cannot support this reflection by a better authority , than that of Erasmus ; who , having contracted some prejudices against Cicero when young , makes a recantation of them when old , in the following passage of a Letter to his friend Ulattenus " .

" When I was a boy , says he , I was fonder of Seneca , than of Cicero ; and till I was twenty years old , could not bear to spend any time in reading

him ; while all the other writers of Antiquity generally pleased me. Whether my judgment be improved by age, I know not ; but am certain that Cicero never pleased me so much, when I was fond of those juvenile studies, as he does now, when I am grown old ; not only for the divine felicity of his style, but the sanctity of his heart and morals : in short he has inspired my soul, and made me feel myself a better man. I make no scruple therefore, to exhort our youth, to spend their hours in reading and getting his books by heart, rather than in the vexatious squabbles and peevish controversies, with which the world abounds. For my part, though I am now in the decline of life, yet as soon as I have finished what I have in hand, I shall think it no reproach to me, to seek a reconciliation with my Cicero, and renew an old acquaintance with him, which for many years has been unhappily intermitted."

Before I conclude this Preface it will not be improper to add a short abstract, or general Idea of the Roman government, from it's first institution by Romulus, to the time of Cicero's birth ; that those who have not been conversant in the affairs of Rome, may not come entire strangers to the subject of the following History.

The Constitution of Rome is very often celebrated by Cicero, and other writers, as the most perfect of all governments ; being happily tempered and composed of the three different sorts, that are

usually distinguished from each other ; the Monarchical, the Aristocratical, and the Popular ". Their King was elected by the people, as the Head of the Republic ; to be their leader in war, the guardian of the laws in peace : the Senate was his council, chosen also by the people, by whose advice he was obliged to govern himself in all his measures : but the sovereignty was lodged in the body of the Citizens, or the general society ; whose prerogative it was, to enact laws, create Magistrates, declare war " ; and to receive appeals in all cases both from the King and the Senate. Some writers have denied this right of an Appeal to the people : but Cicero expressly mentions it among the Regal constitutions, as old as the foundation of the City " ; which he had demonstrated more at large in his Treatise on the Republic ; whence Seneca has quoted a passage in confirmation of it ; and intimates, that the same right was declared likewise in the Pontifical books ". Valerius Maximus gives us an instance of it, which is confirmed also by Livy, that Horatius being condemned to die by King Tullus, for killing his sister, was acquitted upon his appeal to the people ".

This was the original constitution of Rome, even under their Kings : for in the foundation of a state, where there was no force to compel, it was necessary to invite men into it by all proper encouragements ; and none could be so effectual, as the assurance of liberty, and the privilege of making

their own laws ". But the Kings , by gradual encroachment , having usurped the whole administration to themselves , and by the violence of their government , being grown intolerable to a City , trained to liberty and arms , were finally expelled by a general insurrection of the Senate and the People . This was the ground of that invincible fierceness , and love of their country in the old Romans , by which they conquered the world : for the superiority of their civil rights , naturally inspired a superior virtue and courage to defend them ; and made them of course the bravest ; as long as they continued the freest , of all nations .

By this revolution of the Government , their old constitution was not so much changed , as restored to it's primitive state : for though the name of King was abolished , yet the power was retained ; with this only difference , that instead of a single person chosen for life , there were two chosen annually , whom they called Consuls ; invested with all the prerogatives and ensigns of Royalty , and presiding in the same manner in all the affairs of the Republic " : when to convince the Citizens , that nothing was sought by the change , but to secure their common liberty ; and to establish their sovereignty again on a more solid basis ; one of the first Consuls , P. Valerius Poplicola , confirmed by a new law , their fundamental right of an appeal to them in all cases ; and by a second law , made it capital for any man to exercise a Magistracy in Rome , without their

special appointment " : and as a public acknowledgement of their supreme authority , the same Consul never appeared in any assembly of the people , without bowing his fasces or maces to them ; which was afterwards the constant practice of all succeeding Consuls " . Thus the Republic reaped all the benefit of a Kingly Government , without the danger of it ; since the Consuls , whose reign was but annual and accountable , could have no opportunity of invading it's liberty , and erecting themselves into Tyrants .

By the expulsion of the Kings , the City was divided into two great parties , the Aristocratical and the Popular ; or the Senate and the Plebeians " ; naturally jealous of each other's power , and desirous to extend their own : but the Nobles or Patricians , of whom the Senate was composed , were the most immediate gainers by the change , and with the Consuls at their head , being now the first movers and administrators of all the deliberations of the state , had a great advantage over the people ; and within the compass of sixteen years became so insolent and oppressive , as to drive the body of the Plebeians to that secession into the sacred Mount , whence they would not consent to return , till they had extorted a right of creating a new order of Magistrates , of their own body , called Tribunes ; invested with full powers to protect them from all injuries , and whose persons were to be sacred and inviolable " .

The Plebeian party had now got a head exactly suited to their purpose; subject to no control; whose business it was to fight their battles with the Nobility; to watch over the liberties of the Citizens; and to distinguish themselves in their annual office, by a zeal for the popular interest, in opposition to the Aristocratical: who, from their first number five, being increased afterwards to ten, never left teasing the Senate with fresh demands; till they had laid open to the Plebeian families, a promisiveous right to all the Magistracies of the Republic, and by that means a free admission into the Senate.

Thus far they were certainly in the right, and acted like true Patriots; and after many sharp contests had now brought the government of Rome to it's perfect state; when it's honors were no longer confined to particular families, but proposed equally and indifferently to every Citizen; who by his virtue and services, either in war or peace, could recommend himself to the notice and favor of his Countrymen: while the true balance and temperament of power between the Senate and People, which was generally observed in regular times, and which the honest wished to establish in all times, was that the Senate should be the Authors and Advisers of all the public counsels, but the people give them their sanction and legal force.

The Tribunes, however, would not stop here; nor were content with securing the rights of the

Commons without destroying those of the Senate; and as oft as they were disappointed in their private views, and obstructed in the course of their ambition, used to recur always to the populace; whom they could easily inflame to what degree they thought fit by the proposal of factious laws for dividing the public lands to the poorer Citizens; or by the free distribution of corn; or the abolition of all debts; which are all contrary to the quiet, and discipline, and public faith of societies. This abuse of the Tribunician power was carried to it's greatest height by the two Gracchi, who left nothing unattempted, that could mortify the Senate, or gratify the People"; till by their agrarian laws, and other seditious acts, which were greedily received by the City, they had in great measure overturned that equilibrium of power in the Republic, on which it's peace and prosperity depended.

But the violent deaths of these two Tribunes, and of their principal adherents, put an end to their sedition; and was the first civil blood, that was spilt in the streets of Rome, in any of their public dissensions; which till this time had always been composed by the methods of patience and mutual concessions. It must seem strange to observe, how these two illustrious Brothers, who, of all men, were the dearest to the Roman people, yet upon the first resort to arms, were severally deserted by the multitude, in the very height of their authority, and suffered to be cruelly massacred.

in the face of the whole City: which shews, what little stress is to be laid on the assistance of the populace, when the dispute comes to blows; and that sedition, though it may often shake, yet will never destroy a free state, while it continues unarmed, and unsupported by a military force. But this vigorous conduct of the Senate, though it seemed necessary to the present quiet of the City, yet soon after proved fatal to it; as it taught all the ambitious, by a most sensible experiment, that there was no way of supporting an usurped authority, but by force: so that from this time, as we shall find in the following story, all those who aspired to extraordinary powers, and a dominion in the Republic, seldom troubled themselves with what the Senate or people were voting at Rome, but came attended by armies to enforce their pretensions, which were always decided by the longest sword.

The popularity of the Gracchi was grounded on the real affections of the people, gained by many extraordinary privileges, and substantial benefits conferred upon them: but when force was found necessary to control the authority of the Senate, and to support that interest, which was falsely called popular, instead of courting the multitude by real services, and beneficial laws, it was found a much shorter way, to corrupt them by money; a method wholly unknown in the times of the Gracchi; by which the men of power had always

a number of mercenaries at their devotion, ready to fill the Forum at any warning; who by clamor and violence carried all before them in the public assemblies, and came prepared to ratify whatever was proposed to them<sup>\*\*</sup>: this kept up the form of a legal proceeding; while by the terror of arms, and a superior force, the Great could easily support, and carry into execution, whatever votes they had once procured in their favor by faction and bribery.

After the death of the younger Gracchus, the Senate was perpetually laboring to rescind, or to moderate the laws, that he had enacted to their prejudice; especially one that affected them the most sensibly, by taking from them the right of judicature; which they had exercised from the foundation of Rome, and transferring it to the Knights. This act, however, was equitable; for as the Senators possessed all the Magistracies and Governments of the Empire, so they were the men whose oppressions were the most severely felt, and most frequently complained of; yet while the judgment of all causes continued in their hands, it was their common practice, to favor and absolve one another in their turns, to the general scandal and injury both of the subjects and allies; of which some late and notorious instances had given a plausible pretext for Gracchus's law. But the Senate could not bear with patience, to be subjected to the tribunal of an inferior order; which

had always been jealous of their power, and was sure to be severe upon their crimes: so that, after many fruitless struggles to get this law repealed, Q. Servilius Cæpion, who was Consul about twenty-five years after, procured at last a mitigation of it, by adding a certain number of Senators to the three centuries of the Knights or Equestrian Judges: with which the Senate was so highly pleased, that they honored this Consul with the title of their Patron <sup>11</sup>. Cæpion's law was warmly recommended by L. Crassus, the most celebrated Orator of that age, who in a speech upon it to the people, defended the authority of the Senate with all the force of his eloquence: in which state of things, and in this very year of Cæpion's Consulship, Cicero was born: and as Crassus's oration was published, and much admired, when he was a boy, so he took it, as he afterwards tells us, for the pattern both of his eloquence, and his politics <sup>12</sup>.

THE

THE  
HISTORY  
OF  
THE LIFE OF  
M. TULLIUS CICERO.

SECT. I.

MARCUS TULLIUS CICERO was born on the third of January<sup>1</sup>, in the six-hundred-forty-seventh year of Rome, about a hundred and seven years before Christ<sup>2</sup>. His birth, if we believe Plutarch, was attended by prodigies, foretelling the future eminence and lustre of his character, which might have passed, he says, for idle dreams, had not the event soon confirmed the truth of the prediction: but since we have no hint of these prodigies from Cicero himself, or any author of that age, we may charge them to the credulity, or the invention of a writer, who loves to raise the solemnity of his story by the introduction of something miraculous.

Coff.  
Q. SERVILI-  
US COEPPIO,  
C. AITILIUS.  
SERRANUS.

His mother was called Helvia; a name, mentioned in history and old inscriptions among the honorable families of Rome. She was rich, and

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well descended, and had a sister married to a Roman Knight of distinguished merit, C. Aculeo, an intimate friend of the Orator, L. Crassus, and celebrated for a singular knowledge of the Law; in which his sons likewise, our Cicero's cousin-germans, were afterwards very eminent<sup>1</sup>. It is remarkable, that Cicero never once speaks of his mother in any part of his writings; but his younger brother Quintus has left a little story of her, which seems to intimate her good management and house-wifery; how she used to seal all her wine-casks, the empty as well as the full, that when any of them were found empty and unsealed, she might know them to have been emptied by stealth; it being the most usual theft among the Slaves of great families, to steal their master's wine out of the vessels<sup>2</sup>.

As to his father's family, nothing was delivered of it but in extremes<sup>3</sup>: which is not to be wondered at, in the history of a man, whose life was so exposed to envy, as Cicero's, and who fell a victim at last to the power of his enemies. Some derive his descent from kings, others from mechanics<sup>4</sup>; but the truth lay between both; for his family, though it had never born any of the great offices of the republic, was yet very ancient and honorable<sup>5</sup>; of principal distinction and nobility in that part of Italy, in which it resided; and of Equestrian rank<sup>6</sup>, from it's first admission to the freedom of Rome.

Some have insinuated, that Cicero affected to say but little of the splendor of his family, for the sake of being considered as the founder of it; and

chose to suppress the notion of his Regal extraction, for the aversion that the people of Rome had to the name of king; with which however he was sometimes reproached by his enemies'. But those speculations are wholly imaginary: for as oft as there was occasion to mention the character and condition of his Ancestors, he speaks of them always with great frankness, declaring them to have been content with their paternal fortunes, and the private honors of their own City, without the ambition of appearing on the public stage of Rome. Thus in a speech to the people upon his advancement to the Consulship; "I have no pretence" says he, "to enlarge before you, upon the praises of my Ancestors; not but that they were all such as myself, who am descended from their blood, and trained by their discipline; but because they lived without this applause of popular fame, and the splendor of these honors, which you confer". It is on this account therefore, that we find him so often called a New man; not that his family was new or ignoble, but because he was the first of it, who ever sought and obtained the public Magistracies of the State.

The place of his birth was Arpinum; a City anciently of the Samnites, now part of the Kingdom of Naples; which, upon its submission to Rome, acquired the freedom of the City, and was inserted into the Cornelian Tribe. It had the honor also of producing the Great C. Marius; which gave occasion to Pompey to say in a public speech, "That Rome was indebted to this Corpo-

ration for two Citizens, who had, each in his turn, preserved it from ruin ". " It may justly therefore claim a place in the memory of posterity , for giving life to such worthies , who exemplified the character which Pliny gives of true glory , " by doing what deserved to be written , and writing what deserved to be read ; and making the world the happier and the better for their having lived in it " .

The territory of Arpinum was rude and mountainous , to which Cicero applies Homer's description of Ithaca ;

τεργχεῖ ἀλλ' αγαθὴ κυροτρόφος , &c.

'Tis rough indeed , yet breeds a generous race " .

The family seat was about three miles from the Town in a situation extremely pleasant , and well adapted to the nature of the climate . It was surrounded with groves and shady walks leading from the house to a river , called Fibrenus ; which was divided into two equal streams , by a little Island , covered with trees and a portico , contrived both for study and exercise , whither Cicero used to retire , when he had any particular work upon his hands . The clearness and rapidity of the stream murmuring through a rocky channel ; the shade and verdure of it's banks , planted with tall poplars ; the remarkable coldness of the water ; and above all , its falling by a cascade into the nobler river Liris , a little below the Island , gives us the idea of a most beautiful scene , as Cicero himself has described it . When Atticus first saw it , he was charmed with it , and wondered that Cicero did

not prefer it to all his other houses; declaring a contempt of the labored magnificence, marble pavements, artificial canals, and forced streams of the celebrated Villas of Italy, compared with the natural beauties of this place ". "The house," as Cicero says, "was but small and humble in his Grand-father's time, according to the ancient frugality, like the Sabine farm of old Curius; till his father beautified and enlarged it into a handsome and spacious habitation."

But there cannot be a better proof of the delightfulness of the place, than that it is now possessed by a Convent of Monks, and called the Villa of St. Dominic ". Strange revolution! to see Cicero's porticoes converted to Monkish cloisters! the seat of the most refined reason, wit, and learning, to a nursery of superstition, bigotry, and enthusiasm! What a pleasure must it give to these Dominican Inquisitors, to trample on the ruins of a man, whose writings, by spreading the light of reason and liberty through the world, have been one great instrument of obstructing their unwearyed pains to enslave it.

From *l. c. 3 v. 1.*  
p. 445.

Cicero, being the first-born of the family, received, as usual, the name of his Father, and Grandfather, Marcus. This name was properly personal, equivalent to that of Baptism with us, and imposed with ceremonies somewhat analogous to it, on the ninth day, called the lustral, or day of purification "; when the child was carried to the Temple, by the friends and relations of the

family; and before the altars of the Gods, recommended to the protection of some tutelar Deity.

Tullius was the name of the family; which in old language signified flowing streams, or ducts of water, and was derived therefore probably from their ancient situation, at the confluence of the two rivers".

The third name was generally added on account of some memorable action, quality, or accident, which distinguish the Founder, or chief person of the family. Plutarch says, "that the surname of Cicero was owing to a wart or excrescence on the nose of one of his Ancestors, in the shape of a vetch, which the Romans called Cicer": but Pliny tells us more credibly, "that all those names, which had a reference to any species of grain, as the Fabii, Lentuli, &c. were acquired by a reputation of being the best husbandmen or improvers of that species". As Tullius therefore, the family name, was derived from the situation of the Farm, so Cicero the surname, from the culture of it by vetches. This, I say, is the most probable, because Agriculture was held the most liberal employment in old Rome, and those Tribes, which resided on their farms in the country, the most honorable; and this very grain, from which Cicero drew his name, was, in all ages of the Republic, in great request with the meaner people; being one of the usual largesses bestowed upon them by the rich, and sold every where in the Theatres and Streets ready parched or boiled for present use".

Cicero's Grandfather was living at the time of

## M. T. C I C E R O.

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His birth, and from the few hints, which are left of him, seems to have been a man of business and interest in his country <sup>1</sup>. He was at the head of a party in Arpinum, in opposition to a busy turbulent man, M. Gracchus, whose sister he had married, who was pushing forward a popular law, to oblige the town to transact all their affairs by ballot. The cause was brought before the Consul Scaurus; in which old Cicero behaved himself so well, that the Consul paid him the compliment to wish, "that a man of his spirit and virtue would come and act with them in the great Theatre of the Republic, and not confine his talents to the narrow sphere of his own Corporation" <sup>2</sup>. There is a saying likewise recorded of this old Gentleman, "that the men of those times were like the Syrian slaves; the more Greek they knew, the greater knaves they were" <sup>3</sup>: which carries with it the notion of an old Patriot, severe on the importation of foreign arts, as destructive of the discipline and manières of his country. This Grandfather had two sons; Marcus the elder, the father of our Cicero; and Lucius, a particular friend of the celebrated Orator M. Antonius, whom he accompanied to his government of Cilicia <sup>4</sup>; and who left a son of the same name, frequently mentioned by Cicero with great affection, as a youth of excellent virtue and accomplishments <sup>5</sup>.

His father Marcus also was a wise and learned man, whose merit recommended him to the familiarity of the principal Magistrates of the Republic, especially Cato, L. Crassus, and L. Cæsar <sup>6</sup>; but

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being of an infirm and tender constitution, he spent his life chiefly at Arpinum, in an elegant retreat and the study of polite letters".

But his chief employment, from the time of his having Sons, was to give them the best education, which Rome could afford, in hopes to excite in them an ambition of breaking through the indolence of the family; and aspiring to the honors of the state. They were bred up with their Cousins, the young Aculeo's, in a method approved, and directed by L. Crassus; a man of the first dignity, as well as the first eloquence in Rome, and by those very masters, whom Crassus himself made use of". The Romans were of all people the most careful and exact in the education of their children: their attention to it began from the moment of their birth; when they committed them to the care of some prudent matron of reputable character and condition, whose business it was to form their first habits of acting and speaking; to watch their growing passions, and direct them to their proper objects; to superintend their sports, and suffer nothing immodest or indecent to enter into them; that the mind preserved in it's innocence, nor depraved by a taste of false pleasure, might be at liberty to pursue, whatever was laudable, and apply it's whole strength to that profession in which it desired to excel".

It was the opinion of some of the old Masters, that Children should not be instructed in letters, till they were seven years old; but the best judges advised, "that no time of culture should be lost; and that

their literary instruction should keep pace with their moral; that three years only should be allowed to the nurses, and when they first began to speak, that they should begin also to learn". It was reckoned a matter likewise of great importance, what kind of language they were first accustomed to hear at home, and in what manner not only their nurses, but their fathers and even mothers spoke; since their first habits were then necessarily formed, either of a pure or corrupt elocution; thus the two Gracchi were thought to owe that elegance of speaking, for which they were famous, to the institution of their mother Cornelia: a woman of great politeness, whose epistles were read and admired long after her death for the purity of their language".

This probably was a part of that domestic discipline, in which Cicero was trained, and of which he often speaks; but as soon as he was capable of a more enlarged and liberal institution, his father brought him to Rome, where he had a house of his own", and placed him in a public school, under an eminent Greek master, which was thought the best way of educating one who was designed to appear on the public stage, and who, as Quintilian observes, "ought to be so bred, as not to fear the sight of men; since that can never be rightly learnt in solitude, which is to be produced before crowds". Here he gave the first specimen of those shining abilities which rendered him afterwards so illustrious; and his school-fellows carried home such stories of his extraordinary parts and quickness in learning, that their parents were often induced

to visit the school, for the sake of seeing a Youth of such surprising talents".

About this time a celebrated Rhetorician, Plautius, first set up a Latin school of eloquence in Rome, and had a great resort to him": Young Cicero was very desirous to be his scholar, but was over-ruled in it by the advice of the learned, who thought the Greek masters more useful in forming to the Bar, for which he was designed. This method of beginning with Greek is approved by Quintilian; because the Latin would come of itself, and it seemed most natural to begin from the fountain, whence all the Roman learning was derived: yet "the rule," he says, "must be practised with some restriction, nor the use of a foreign language pushed so far to the neglect of the native, as to acquire with it a foreign accent and vicious pronunciation".

Cicero's Father encouraged by the promising genius of his Son, spared no cost nor pains to improve it by the help of the ablest Masters, and among the other instructors of his early Youth, put him under the care of the Poet Archias, who came to Rome with a high reputation for learning and poetry, when Cicero was about five years old, and lived in the family of Lucullus": for it was the custom of the great in those days to entertain in their houses the principal Scholars and Philosophers of Greece, with a liberty of opening a School, and teaching, together with their own children, any of the other young nobility and gentry of Rome. Under this Master, Cicero

applied himself chiefly to poetry, to which he was naturally addicted, and made such a proficiency in it, that while he was still a boy, he composed and published a Poem, called Glaucus Pontius, which was extant in Plutarch's time".

After finishing the course of these puerile studies, it was the custom to change the habit of the boy, for that of the man, and take what they called the manly gown, or the ordinary robe of the Citizens: this was an occasion of great joy to the young men, who by this change passed into a state of greater liberty and enlargement from the power of their Tutors". They were introduced at the same time into the Forum, or the great square of the City, where the Assemblies of the People were held, and the Magistrates used to harangue to them from the Rostra, and where all the public pleadings and judicial proceedings were usually transacted: this therefore was the grand School of business and eloquence; the scene, on which all the affairs of the Empire were determined, and where the foundation of their hopes and fortunes were to be laid: so that they were introduced into it with much solemnity, attended by all the friends and dependents of the family, and after divine rites performed in the Capitol, were committed to the special protection of some eminent Senator, distinguished for his eloquence or knowledge of the laws, to be instructed by his advice in the management of civil affairs, and to form themselves by his example for useful members and Magistrates of the Republic.

Writers are divided about the precise time of changing the puerile for the manly gown: what seems the most probable, is, that in the old Republic it was never done till the end of the seventeenth year; but when the ancient discipline began to relax, parents, out of indulgence to their children, advanced this æra of joy one year earlier, and gave them the gown at sixteen, which was the custom in Cicero's time. Under the Emperors, it was granted at pleasure, and at any age, to the great or their own relations; for Nero received it from Claudius, when he just entered into his fourteenth year, which, as Tacitus says, "was given before the regular season".

Cicero, being thus introduced into the Forum, was placed under the care of Q. Mucius Scævola the Augur, the principal Lawyer as well as Statesman of that age who had passed through all the offices of the Republic, with a singular reputation of integrity, and was now extremely old: Cicero never stirred from his side, but carefully treasured up in his memory all the remarkable sayings, which dropt from him, as so many lessons of prudence for his future conduct<sup>11</sup>; and after his death applied himself to another of the same family, Scævola the High-priest, a person of equal character for probity and skill in the law; who, though he did not profess to teach, yet freely gave his advice to all the young students, who consulted him<sup>12</sup>.

Under these masters he acquired a complete knowledge of the laws of his country; a foun-

dation useful to all who design to enter into public affairs; and thought to be of such consequence at Rome, that it was the common exercise of boys at school, to learn the laws of the twelve tables by heart, as they did their Poets and Classic authors". Cicero particularly took such pains in this study, and was so well acquainted with the most intricate parts of it, as to be able to sustain a dispute on any question with the greatest Lawyers of his age": so that in pleading once against his friend S. Sulpicius, he declared by way of raillery, what he could have made good likewise in fact, that if he provoked him, he would profess himself a Lawyer in three days time".

The profession of the law, next to that of arms and eloquence, was a sure recommendation to the first honors of the Republic", and for that reason was preserved as it were hereditary in some of the noblest families of Rome"; who, by giving their advice gratis to all, who wanted it, engaged the favor and observance of their fellow Citizens, and acquired great authority in all the affairs of state. It was the custom of these old Senators, eminent for their wisdom and experience, to walk every morning up and down the Forum, as a signal of their offering themselves freely to all, who had occasion to consult them, not only in cases of law, but in their private and domestic affairs". But in later times they chose to sit at home with their doors open, in a kind of throne or raised seat, like the Confessors in foreign Churches, giving access and audience to

all people. This was the case of the two Scævolas, especially the Augur, whose house was called the Oracle of the City"; and who, in the Marsic war, when worn out with age and infirmities, gave free admission every day to all the Citizens, as soon as it was light, nor was ever seen by any in his bed during that whole war".

But this was not the point that Cicero aimed at, to guard the estates only of the Citizens: his views were much larger; and the knowledge of the law was but one ingredient of many, in the character which he aspired to, of an universal Patron, not only of the fortunes, but of the lives and liberties of his countrymen: for that was the proper notion of an Orator or Pleader of causes; whose profession it was, to speak aptly, elegantly, and copiously on every subject which could be offered to him, and whose art therefore included in it all other arts of the liberal kind, and could not be acquired to any perfection, without a competent knowledge of whatever was great and laudable in the Universe. This was his own idea what he had undertaken"; and his present business therefore was, to lay a foundation fit to sustain the weight of this great character: so that while he was studying the law under the Scævolas, he spent a large share of his time in attending the pleadings at the bar, and the public speeches of the Magistrates, and never passed one day without writing and reading something at home, constantly taking notes, and making comments on what he read. He was fond, when very young, of an exercise,

which had been recommended by some of the great Orators before him, of reading over a number of verses of some esteemed Poet, or a part of an Oration so carefully, as to retain the substance of them in his memory, and then deliver the same sentiments in different words, the most elegant that occurred to him. But he soon grew weary of this, upon reflecting, that his authors had already employed the best words which belonged to their subject; so that if he used the same, it would do him no good, and if different, would even hurt him, by a habit of using worse. He applied himself therefore to another task of more certain benefit, to translate into Latin the select speeches of the best Greek Orators, which gave him an opportunity of observing and employing all the most elegant words of his own language, and of enriching it at the same time with new ones, borrowed or imitated from the Greek<sup>11</sup>. Nor did he yet neglect his poetical studies; for he now translated Aratus on the Phænomena of the heavens, into Latin verse, of which many fragments are still extant; and published also an original Poem of the Heroic kind, in honor of his Countryman C. Marius. This was much admired and often read by Atticus; and old Scævola was so pleased with it, that in an Epigram, which he seems to have made upon it, he declares, that it would live as long as the Roman name and learning subsisted<sup>12</sup>: there remains still a little specimen of it describing a memorable omen given to Marius from the Oak of Arpinum, which from the spirit and elegance of

the description shows, that his Poetical genius was scarce inferior to his Oratorial, if it had been cultivated with the same diligence ". He published another Poem also called Limon; of which Donatus has preserved four lines in the Life of Terence, in praise of the elegance and purity of that Poet's style ". But while he was employing himself in these juvenile exercises for the improvement of his invention, he applied himself with no less industry to Philosophy, for the enlargement of his mind and understanding; and among his other Masters, was very fond at this age of Phædrus the Epicurean: but as soon as he had gained a little more experience and judgment of things, he wholly deserted and constantly disliked the principles of that sect; yet always retained a particular esteem for the man, on account of his learning, humanity and politeness ".

The peace of Rome was now disturbed by a domestic war, which writers call the Italic, Social, or Marsic: it was begun by a confederacy of the principal Towns of Italy, to support their demand of the freedom of the City: the Tribune Drusus had made them a promise of it, but was assassinated in the attempt of publishing a law to confer it: this made them desperate; and resolve to extort by force, what they could not obtain by entreaty ". They alledged it to be unjust, to exclude them from the rights of a City, which they sustained by their arms; that in all it's wars they furnished twice the number of troops, which Rome itself did; and had raised it to all that height of power,

power, for which it now despised them <sup>14</sup>. This war was carried on for above two years, with great fierceness on both sides, and various success: two Roman Consuls were killed in it, and their armies often defeated; till the Confederates, weakened also by frequent losses, and the desertion of one Ally after another, were forced at last to submit to the superior fortune of Rome <sup>15</sup>. During the hurry of the war, the business of the Forum was intermitted; the greatest part of the Magistrates, as well as the Pleaders, being personally engaged in it; Hortensius the most flourishing young Orator at the bar, was a volunteer in it the first year, and commanded a regiment the second <sup>16</sup>.

Cicero likewise took the opportunity to make a campaign, along with the Consul Cn. Pompeius Strabo, the father of Pompey the Great: this was a constant part of the education of the young Nobility; to learn the art of war by personal service, under some general of name and experience; for in an Empire raised and supported wholly by arms, a reputation of martial virtue was the shortest and surest way of rising to it's highest honors; and the constitution of the government was such, that as their Generals could not make a figure even in Camps, without some institution in the politer arts, especially that of speaking gracefully <sup>17</sup>; so those, who applied themselves to the peaceful studies, and the management of civil affairs, were obliged to acquire a competent share of military skill, for the sake of governing Provinces, and commanding armies, to which they

all succeeded of course from the administration of the great Offices of the State.

In this expedition Cicero was present at a conference between Pompeius the Consul, and Vettius the General of the Marci, who had given the Romans a cruel defeat the year before, in which the Consul Rutilius was killed ". It was held in sight of the two Camps, and managed with great decency; the Consul's brother Sextus, being an old acquaintance of Vettius, came from Rome on purpose to assist at it; and at the first sight of each other, after lamenting the unhappy circumstance of their meeting at the head of opposite armies, he asked Vettius, by what title he should now salute him, of friend or enemy: to which Vettius replied, " Call me friend by inclination, enemy by necessity ". Which shows, that these old Warriors had not less politeness in their civil, than fierceness in their hostile encounters.

Both Marius and Sylla served as Lieutenants to the Consuls in this war, and commanded separate armies in different parts of Italy; but Marius performed nothing in it answerable to his great name and former glory: his advanced age had increased his caution, and after so many triumphs and Consulships, he was jealous of a reverse of fortune; so that he kept himself wholly on the defensive, and, like old Fabius, chose to tire out the enemy by declining a battle; content with snatching some little advantages, that opportunity threw into his hands, without suffering them however to gain any against him ", Sylla on the other

hand was ever active and enterprising: he had not yet obtained the Consulship, and was fighting for it, as it were, in the sight of his Citizens; so that he was constantly urging the enemy to a battle, and glad of every occasion to signalize his military talents, and eclipse the fame of Marius; in which he succeeded to his wish, gained many considerable victories, and took several of their Cities by storm, particularly Stabæ, a Town of Campania, which he utterly demolished ". Cicero, who seems to have followed his camp, as the chief scene of the war, and the best school for a young volunteer, gives an account of one action, of which he was eye-witness, executed with great vigor and success; that as Sylla was sacrificing before his tent in the fields of Nola, a snake happened to creep out from the bottom of the altar, upon which Posthumius the Haruspex, who attended the sacrifice, proclaiming it to be a fortunate omen, called out upon him to lead his army immediately against the enemy: Sylla took the benefit of the admonition, and drawing out his troops without delay, attacked and took the strong camp of the Samnites under the walls of Nola ". This action was thought so glorious, that Sylla got the story of it painted afterwards in one of the rooms of his Tuscan Villa ". Thus Cicero was not less diligent in the army, than he was in the Forum, to observe every thing that passed; and contrived always to be near the person of the General, that no action of moment might escape his notice.

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Upon the breaking out of this war, the Romans gave the freedom of the City to all the Towns which continued firm to them; and at the end of it, after the destruction of three hundred thousand lives, thought fit for the sake of their future quiet to grant it to all the rest: but this step, which they considered as the foundation of a perpetual peace was, as an ingenious writer has observed, one of the causes, that hastened their ruin: for the enormous bulk, to which the City was swelled by it, gave birth to many new disorders, that gradually corrupted and at last destroyed it; and the discipline of the laws, calculated for a people, whom the same walls would contain, was too weak to keep in order the vast body of Italy; so that from this time chiefly, all affairs were decided by faction and violence, and the influence of the great; who could bring whole Towns into the Forum from the remote parts of Italy; or pour in a number of slaves and foreigners under the form of Citizens; for when the names and persons of real Citizens could no longer be distinguished, it was not possible to know, whether any act had passed regularly, by the genuine suffrage of the people".

The Italic war was no sooner ended than another broke out, which, though at a great distance from Rome, was one of the most difficult and desperate, in which it ever was engaged; against Mithridates King of Pontus; a martial and powerful Prince, of a restless spirit and ambition, with a capacity equal to the greatest designs: who

disdaining to see all his hopes blasted by the over-bearing power of Rome, and confined to the narrow boundary of his hereditary dominion, broke through his barrier at once, and over-ran the lesser Asia like a Torrent, and in one day caused eighty thousand Roman Citizens to be massacred in cold blood". His forces were answerable to the vastness of his attempt, and the inexpiable war, that he had now declared against the Republic: he had a fleet of above four hundred ships; with an army of two hundred and fifty thousand foot, and fifty thousand horse; all completely armed, and provided with military stores, fit for the use of so great a body".

Sylla, who had now obtained the Consulship, as the reward of his late services, had the Province of Asia allotted to him, with the command of the war against Mithridates": but old Marius envious of his growing fame, and desirous to engross every commission, which offered either power or wealth, engaged Sulpicius, an eloquent and popular Tribune, to get that allotment reversed, and the command transferred from Sylla to himself by the suffrage of the people. This raised great tumults in the City between the opposite parties, in which the Son of Q. Pompeius the Consul, and the Son-in-Law of Sylla was killed: Sylla happened to be absent, quelling the remains of the late commotions near Nola; but upon the news of these disorders, he hastened with his legions to Rome, and having entered it after some resistance, drove Marius and his accomplices to

the necessity of saving themselves by a precipitate flight. This was the beginning of the first civil war, properly so called, which Rome had ever seen; and what gave both the occasion, and the example to all the rest that followed: the Tribune Sulpicius was taken and slain; and Marius so warmly pursued, that he was forced to plunge himself into the marshes of Minturnum, up to the chin in water; in which condition he lay concealed for some time, till being discovered and dragged out, he was preserved by the compassion of the inhabitants, who, after refreshing him from the cold and hunger, which he had suffered in his flight, furnished him with a vessel and all necessaries to transport himself into Africa".

Sylla in the mean while having quieted the City, and proscribed twelve of his chief adversaries, set forward upon his expedition against Mithridates: but he was no sooner gone, than the civil broils broke out afresh between the new Consuls, Cinna and Octavius; which Cicero calls the Octavian war". For Cinna, attempting to reverse all that Sylla had established, was driven out of the City by his Colleague, with six of the Tribunes, and deposed from the Consulship: upon this he gathered an army, and recalled Marius, who, having joined his forces with him, entered Rome in a hostile manner, and with the most horrible cruelty, put all Sylla's friends to the sword, without regard to age, dignity, or former services. Among the rest fell the Consul Cn. Octavius; the two Brothers L. Cæsar and C. Cæsar; P. Crassus,

and the Orator, M. Antonius; whose head, as Cicero says, was fixed upon that Rostra, where he had so strenuously defended the Republic when Consul, and preserved the heads of so many Citizens; lamenting, as it were ominously, the misery of that fate, which happened afterwards to himself, from the Grandson of this very Antonius. Q. Catulus also, though he had been Marius's Colleague in the Consulship and his victory over the Cimbri, was treated with the same cruelty: for when his friends were interceding for his life, Marius made them no other answer, but, "he must die; he must die"; so that he was obliged to kill himself". Cicero saw this memorable entry of his Countryman Marius, who, in that advanced age, was so far from being broken, he says, by his late calamity, that he seemed to be more alert and vigorous than ever; when he heard him recounting to the people, in excuse for the cruelty of his return, the many miseries which he had lately suffered; when he was driven from that country, which he had saved from destruction; when all his estate was seized and plundered by his enemies; when he saw his Young Son also the partner of his distress; when he was almost drowned in the Marshes, and owed his life to the mercy of the Minturnensians; when he was forced to fly into Africa in a small bark, and become a suppliant to those to whom he had given kingdoms; but that since he had recovered his dignity, and all the rest, that he had lost, it should be his care not to forfeit that virtue and courage, which he had never lost".

Marius and Cinna having thus got the Republic into their hands, declared themselves Consuls, but Marius died unexpectedly, as soon almost as he was inaugurated into his new dignity, on the 18th of January, in the 70th year of his age; and according to the most probable account, of a pleuritic fever".

His birth was obscure, though some call it Equestrian; and his education wholly in Camps; where he learnt the first rudiments of war, under the greatest master of that age, the younger Scipio, who destroyed Carthage; till by long service, distinguished valor, and a peculiar hardness and patience of discipline, he advanced himself gradually through all the steps of military honor, with the reputation of a brave and complete Soldier. The obscurity of his extraction, which depressed him with the nobility, made him the greater favorite of the people; who, on all occasions of danger, thought him the only man fit to be trusted with their lives and fortunes; or to have the command of a difficult and desperate war; and in truth, he twice delivered them from the most desperate, with which they had ever been threatened by a foreign enemy. Scipio, from the observation of his martial talents, while he had yet but an inferior command in the army, gave a kind of prophetic testimony of his future glory: for being asked by some of his Officers, who were supping with him at Numantia, what General the Republic would have, in case of any accident to himself; that man, replied he; pointing to Marius,

at the bottom of the table: In the field he was cautious and provident; and while he was watching the most favorable opportunities of action, affected to take all his measures from Augurs and Diviners; nor ever gave battle, till by pretended omens and divine admonitions, he had inspired his soldiers with a confidence of victory: so that his enemies dreaded him, as something more than mortal; and both friends and foes believed him to act always by a peculiar impulse and direction from the Gods. His merit however was wholly military, void of every accomplishment of learning, which he openly affected to despise; so that Arpinum had the singular felicity to produce, the most glorious contemner, as well as the most illustrious improver of the arts and eloquence of Rome. He made no figure therefore in the gown, nor had any other way of sustaining his authority in the City, than by cherishing the natural jealousy between the Senate and the people; that by his declared enmity to the one he might always be at the head of the other; whose favor he managed, not with any view to the public good, for he had nothing in him of the Statesman, or the Patriot, but to the advancement of his private interest and glory. In short, he was crafty, cruel, covetous, perfidious; of a temper and talents greatly serviceable abroad, but turbulent and dangerous at home: an implacable enemy to the Nobles, ever seeking occasions to mortify them, and ready to sacrifice the Republic, which he had saved, to his ambition and revenge. After a life spent in the perpetual toils

of foreign or domestic wars, he died at last in his bed, in a good old age, and in his seventh Consulship; an honor that no Roman before him ever attained; which is urged by Cotta the Academic, as one argument amongst others, against the existence of a Providence".

The transactions of the Forum were greatly interrupted by these civil dissensions; in which some of the best Orators were killed, others banished: Cicero however attended the harangues of the Magistrates, who possessed the Rostra in their turns; and being now about the age of twenty-one, drew up probably those Rhetorical pieces, which were published by him, as he tells us, when very young, and are supposed to be the same, that still remain, on the subject of Invention: but he condemned, and retracted them afterwards in his advanced age, as unworthy of his maturer judgment; and the work only of a boy, attempting to digest into order the precepts, which he had brought away from School<sup>18</sup>. In the mean while, Philo, a Philosopher of the first name in the academy; with many of the principal Athenians, fled to Rome from the fury of Mithridates, who had made himself Master of Athens, and all the neighbouring parts of Greece; Cicero immediately became his scholar, and was exceedingly taken with his Philosophy; and by the help of such a Professor gave himself up to that study with the greater inclination, as there was cause to apprehend, that the laws and judicial proceedings, which he had designed for the ground of his fame and fortunes,

would be wholly overturned by the continuance of the public disorders ”.

But Cinna's party having quelled all opposition at home, while Sylla was engaged abroad in the Mithridatic war, there was a cessation of arms within the City for about three years, so that the course of public business began to flow again in it's usual channel; and Molo the Rhodian, one of the principal Orators of that age, and the most celebrated teacher of eloquence, happening to come to Rome at the same time, Cicero presently took the benefit of his lectures, and resumed his Oratorical studies with his former ardor ”. But the greatest spur to his industry was the fame and splendor of Hortensius, who made the first figure at the bar, and whose praises fired him with such an ambition of acquiring the same glory, that he scarce allowed himself any rest from his studies either day or night: He had in the House with him Diodotus the Stoic, as his preceptor in various parts of learning, but more particularly in Logic; which Zeno, as he tells us, used to call a close and contracted eloquence; as he called eloquence an enlarged and dilated Logic; comparing the one to the fist, or hand doubled; the other, to the palm opened ”. Yet with all his attention to Logic, he never suffered a day to pass, without some exercise in Oratory; chiefly that of declaiming, which he generally performed with his fellow students, M. Piso and Q. Pompeius, two young Noblemen, a little older than himself, with whom he had contracted an intimate friendship. They

declaimed sometimes in Latin, but much oftener in Greek; because the Greek furnished a greater variety of elegant expressions, and an opportunity of imitating and introducing them into the Latin; and because the Greek masters, who were far the best, could not correct and improve them, unless they declaimed in that language".

In this interval Sylla was performing great exploits against Mithridates, whom he had driven out of Greece and Asia, and confined once more to his own territory; yet at Rome, where Cinna was master, he was declared a public enemy, and his estate confiscated: this insult upon his honor and fortunes made him very desirous to be at home again, in order to take his revenge upon his adversaries: so that after all his success in the war, he was glad to put an end to it by an honorable peace; the chief article of which was, that Mithridates should defray the whole expense of it, and content himself for the future with his hereditary kingdom. On his return he brought away with him from Athens the famous library of Apellicon the Teian, in which were the works of Aristotle and Theophrastus, that were hardly known before in Italy, or to be found indeed entire any where else". He wrote a Letter at the same time to the Senate, setting forth his great services, and the ingratitude with which he had been treated; and acquainting them, that he was coming to do justice to the Republic, and to himself, upon the authors of those violences: this raised great terrors in the City; which having lately felt the horrible

effects of Marius's entry, expected to see the same tragedy acted over again by Sylla.

But while his enemies were busy in gathering forces to oppose him, Cinna, the chief of them, was killed in a mutiny of his own soldiers: upon this Sylla hastened his march, to take the benefit of that disturbance, and landed at Brundisium with about thirty thousand men: hither many of the Nobility presently resorted to him, and among them young Pompey, about twenty three years old; who without any public character or commission, brought along with him three legions, which he had raised by his own credit out of the Veterans, who had served under his Father: he was kindly received by Sylla, to whom he did great service in the progress of the war, and was ever after much favored and employed by him ".

Sylla now carried all before him: he defeated one of the Consuls, Norbanus, and by the pretence of a treaty with the other Consul, Scipio, found means to corrupt his army, and draw it over to himself " : he gave Scipio however his life, who went into a voluntary exile at Marseilles ". The new Consuls chosen in the mean time at Rome, were Cn. Papirius Carbo and young Marius; the first of whom, after several defeats, was driven out of Italy, and the second besieged in Præneste; where being reduced to extremity, and despairing of relief, he wrote to Damasippus, then Prætor of the City, to call a meeting of the Senators, as if upon business of importance, and put the principal of them to the fword: in this massacre many of

the Nobles perished, and old Scævola, the High Priest, the pattern of ancient temperance and prudence, as Cicero calls him, was slain before the altar of Vesta": after which sacrifice of noble blood to the manes of his Father, young Marius put an end to his own life.

Pompey at the same time pursued Carbo into Sicily, and having taken him at Lilybeum sent his head to Sylla, though he begged his life in an abject manner at his feet: this drew some reproach upon Pompey, for killing a man, to whom he had been highly obliged on an occasion, where his father's honor and his own fortunes were attacked. But this is the constant effect of factions in States, to make men prefer the interests of a party, to all the considerations, either of private or public duty; and it is not strange, that Pompey, young and ambitious, should pay more regard to the power of Sylla, than to a scruple of honor or gratitude". Cicero however says of this Carbo, that there never was "a worse Citizen, or more wicked man": which will go a great way towards excusing Pompey's act.

Sylla having subdued all, who were in arms against him, was now at leisure to take his full revenge on their friends and adherents; in which, by the detestable method of a Proscription, of which he was the first author and inventor, he exercised a more infamous cruelty, than had ever been practised in cold blood in that, or perhaps in any other City". The proscription was not

confined to Rome, but carried through all the towns of Italy; where besides the crime of party, which was pardoned to none, it was fatal to be possessed of money, lands, or a pleasant seat; all manner of licence being indulged to an insolent army, of carving for themselves what fortunes they pleased".

In this general destruction of the Marian faction, J. Cæsar, then about seventeen years old, had much difficulty to escape with life: he was nearly allied to old Marius, and had married Cinna's daughter; whom he could not be induced to put away, by all the threats of Sylla; who considering him for that reason as irreconcileable to his interests, deprived him of his wife's fortune and the Priest-hood, which he had obtained. Cæsar therefore, apprehending still somewhat worse, thought it prudent to retire and conceal himself in the country, where being discovered accidentally by Sylla's soldiers, he was forced to redeem his head by a very large sum: but the intercession of the Vestal Virgins, and the authority of his powerful relations, extorted a grant of his life very unwillingly from Sylla; who bad them take notice, that he, for whose safety they were so solicitous, would one day be the ruin of that Aristocracy, which he was then establishing with so much pains, for that he saw many Marius in one Cæsar". The event confirmed Sylla's prediction; for by the experience of these times, young Cæsar was instructed both how to form, and to execute that scheme, which was the grand purpose of

his whole life, of oppressing the liberty of his Country.

As soon as the proscriptions were over, and the scene grown a little calm, L. Flaccus, being chosen Interrex, declared Sylla Dictator for settling the state of the Republic without any limitation of time, and ratified whatever he had done, or should do, by a special law, that empowered him to put any Citizen to death without hearing or trial<sup>13</sup>. This office of Dictator, which in early times had oft been of singular service to the Republic in cases of difficulty and distress, was now grown odious and suspected, in the present state of it's wealth and power, as dangerous to the public liberty, and for that reason had been wholly disused and laid aside for one hundred and twenty years past<sup>14</sup>: so that Flaccus's Law was the pure effect of force and terror; and though pretended to be made by the people, was utterly detested by them. Sylla however, being invested by it with absolute authority, made many useful regulations for the better order of the Government; and by the plenitude of his power changed in great measure the whole constitution of it, from a Democratical to an Aristocratical form, by advancing the prerogative of the Senate, and depressing that of the people. He took from the Equestrian Order the judgment of all causes, which they had enjoyed from the time of the Gracchi, and restored it to the Senate; deprived the people of the right of chusing the Priests, and replaced it in the Colleges

Colleges of Priests, but above all, he abridged the immoderate Power of the Tribunes, which had been the chief source of all their civil dissensions; for he made them incapable of any other Magistracy after the Tribune; restrained the liberty of appealing to them; took from them their capital privilege, of proposing laws to the people; and left them nothing but their negative; or, as Cicero says, “the power only of helping, not of hurting any one””. But that he might not be suspected of aiming at perpetual Tyranny, and a total subversion of the Republic, he suffered the Consuls to be chosen in the regular manner, and to govern, as usual, in all the ordinary affairs of the City: whilst he employed himself particularly in reforming the disorders of the State, by putting his new laws in execution; and in distributing the confiscated lands of the adverse party among his Legions: so that the Republic seemed to be once more settled on a legal basis, and the laws and judicial proceedings began to flourish in the Forum. About the same time Molo the Rhodian came again to Rome, to solicit the payment of what was due to his Country, for their services in the Mithridatic war; which gave Cicero an opportunity of putting himself a second time under his direction, and perfecting his Oratorical talents by his farther instructions of so renowned a Master”: whose abilities and character were so highly reverenced, that he was the first of all Foreigners, who was ever allowed to speak to the Senate in Greek without an interpreter”.

Which shows in what vogue the Greek learning, and especially eloquence, flourished at this time in Rome.

Cicero had now run through all that course of discipline, which he lays down as necessary to form the complete Orator: for, in his treatise on that subject, he gives us his own sentiments in the person of Crassus, on the institution requisite to that character; declaring, "that no man ought to pretend to it, without being previously acquainted with every thing worth knowing in art or nature; that this is implied in the very name of an Orator; whose profession it is to speak upon every subject which can be proposed to him; and whose eloquence, without the knowledge of what he speaks, would be the prattle only and impertinence of children". He had learnt the rudiments of Grammar and languages from the ablest teachers; gone through the studies of humanity and the politer letters with the poet Archias; been instructed in Philosophy by the principal Professors of each sect; Phædrus the Epicurean, Philo the Academic, Diodotus the Stoic; acquired a perfect knowledge of the law, from the greatest lawyers, as well as the greatest Statesmen of Rome, the two Scævolas; all which accomplishments were but ministerial and subservient to that on which his hopes and ambition were singly placed, the reputation of an Orator: to qualify himself therefore particularly for this, he attended the pleadings of all the speakers of his time; heard the daily lectures of the most eminent Orators of

Greece, and was perpetually composing somewhat at home, and declaiming under their correction: and that he might neglect nothing, which could help in any degree to improve and polish his style, he spent the intervals of his leisure in the company of the Ladies; especially of those who were remarkable for a politeness of language, and whose Fathers had been distinguished by a fame and reputation of their eloquence. While he studied the law therefore under Scævola the Augur, he frequently conversed with his wife Lælia, "whose discourse," he says, "was tinctured with all the elegance of her Father Lælius," the politest speaker of his age": he was acquainted likewise with her daughter Mucia, who married the great Orator L. Crassus; and with her Granddaughters, the two Lætiniæ; one of them, the wife of L. Scipio; the other of young Marius; who all excelled in that delicacy of the Latin tongue, which was peculiar to their families, and valued themselves on preserving and propagating it to their posterity.

Thus adorned and accomplished, he offered himself to the bar about the age of twenty-six; not as others generally did, raw and ignorant of their business, and wanting to be formed to it by use and experience "", but finished, and qualified at once to sustain any cause, which should be committed to him. It has been controverted both by the ancients and moderns, what was the first cause in which he was engaged; some give it for that of P. Quinætius; others for S. Roscius: but

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neither of them are in the right; for in his Oration for Quintius he expressly declares, that he had pleaded "other causes before it;" and in that for Roscius, says only, that it was "the first public or criminal cause," in which he was concerned: and it is reasonable to imagine, that he had tried his strength, and acquired some credit in private causes, before he would venture upon a public one of that importance; agreeably to the advice, which Quintilian gives to his young pleaders <sup>101</sup>, whose rules are generally drawn from the practice and example of Cicero.

The cause of P. Quintius, was to defend him from an action of bankruptcy brought against him by a creditor, who, on pretence of his having forfeited his recognizance, and withdrawn himself from justice, had obtained a decree to seize his estate, and expose it to sale. The creditor was one of the public Criers, who attended the Magistrates, and by his interest among them, was likely to oppress Quintius, and had already gained an advantage against him by the authority of Hortensius, who was his Advocate. Cicero entered into the cause, at the earnest desire of the famed Comedian, Roscius, whose sister was Quintius's wife <sup>102</sup>: he endeavoured at first to excuse himself; alledging, "that he should not be able to speak a word against Hortensius, any more than the other Players could act with any spirit before Roscius;" but Roscius would take no excuse, having formed such a judgment of him, as to think no man so capable

of supporting a desperate cause, against a crafty and powerful adversary.

After he had given a specimen of himself to the City, in this, and several other private causes, he undertook the celebrated defence of S. Roscius, of Ameria, in his 27th year; the same age, as the learned have observed, in which Demosthenes first began to distinguish himself in Athens; as if in these genios of the first magnitude that was the proper season of blooming towards maturity. The case of Roscius was this: "his father was killed in the late proscription of Sylla; and his estate, worth about 60,000 l. sterling, was sold among the confiscated estates of the proscribed, for a trifling sum to L. Cornelius Chrysogonus, a young favorite slave, whom Sylla had made free; who, to secure his possession of it, accused the son of the murder of his father, and had provided evidence to convict him;" so that the young man was like to be deprived, not only of his fortunes, but by a more villainous cruelty, of his honor also and his life. All the old Advocates refused to defend him, fearing the power of the Prosecutor, and the resentment of Sylla"; since Roscius's defence would necessarily lead them into many complaints on the times, and the oppressions of the great: but Cicero readily undertook it, as a glorious opportunity of inlisting himself into the service of his country, and giving a public testimony of his principles and zeal for that liberty, to which he had devoted the labors of his life. Roscius was acquitted, to the great honor

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of Cicero, 'whose courage and address in defending him was applauded by the whole city; so that from this moment he was looked upon as an advocate of the first class, and equal to the greatest causes'''.

Hawing occasion, in the course of his pleading, to mention that remarkable punishment, which their ancestors had contrived for the murder of a parent, of sowing the criminal alive into a sack, and throwing him into a river, he says, "that the meaning of it was, to strike him at once as it were out of the system of nature, by taking from him the air, the sun, the water, and the earth; that he who had destroyed the author of his being, should lose the benefit of those elements, whence all things derive their being. They would not throw him to the beasts, lest the contagion of such wickedness should make the beasts themselves more furious: they would not commit him naked to the stream, lest he should pollute the very sea, which was the purifier of all other pollutions: they left him no share of any thing natural, how vile or common soever: for what is so common, as breath to the living, earth to the dead, the sea to those who float, the shore to those who are cast up? Yet these wretches live so, as long as they can, as not to draw breath from the air; die so, as not to touch the ground; are so tossed by the waves, as not to be washed by them; so cast out upon the shore, as to find no rest even on the rocks'''." This passage was received with acclamations of applause; yet speak-

ing of it afterwards himself, he calls it “the redundancy of a juvenile fancy, which wanted the correction of his founder judgment; and, like all the compositions of young men, was not applauded so much for it’s own sake, as for the hopes which it gave of his more improved and ripened talents”<sup>106</sup>.

The popularity of his cause, and the favor of the audience, gave him such spirits, that he exposed the insolence and villany of the favorite Chrysogonus with great gaiety; and ventured even to mingle several bold strokes at Sylla himself; which he took care however to palliate, by observing, “that through the multiplicity of Sylla’s affairs, who reigned as absolute on earth, as Jupiter did in heaven, it was not possible for him to know, and necessary even to connive at many things, which his favorites did against his will”<sup>107</sup>. He would not complain,” he says, “in times like those, that an innocent man’s estate was exposed to public sale; for were it allowed to him to speak freely on that head, Roscius was not a person of such consequence, that he should make a particular complaint on his account; but he must insist upon it, that by the law of the Proscription itself, whether it was Flaccus’s the Interrex, or Sylla’s the Dictator, for he knew not which to call it, Roscius’s estate was not forfeited, nor liable to be sold”<sup>108</sup>. In the conclusion, he puts the Judges in mind, “that nothing was so much aimed at by the Prosecutors in this trial, as, by the condemnation of Roscius, to gain a precedent

for destroying the children of the proscribed: he conjures them therefore by all the Gods, not to be the authors of reviving a second proscription, more barbarous and cruel than the first: that the Senate refused to bear any part in the first: lest it should be thought to be authorized by the public council; — that it was their business by this sentence to put a stop to that spirit of cruelty, which then possessed the City, so pernicious to the Republic, and so contrary to the temper and character of their ancestors — ”

As by this defence he acquired a great reputation in his youth, so he reflects upon it with pleasure in old age, and recommends it to his son, as the surest way to true glory and authority in his country; to “defend the innocent in distress, especially when they happen to be oppressed by the power of the Great, as I have often done,” says he, “in other causes, but particularly in that of Roscius, against Sylla himself in the height of his power ”.” A noble lesson to all advancers, to apply their talents to the protection of innocence and injured virtue; and to make justice, not profit, the rule and end of their labors.

Plutarch says, “ that presently after this trial Cicero took occasion to travel abroad, on pretence of his health, but in reality to avoid the effects of Sylla’s displeasure: ” but there seems to be no ground for this notion: for Sylla’s revenge was now satiated, and his mind wholly bent on restoring the public tranquillity; and it is evident, that Cicero continued a year after this in Rome

without any apprehension of danger, engaged, as before, in the same task of pleading causes<sup>110</sup>; and in one especially, more obnoxious to Sylla's resentment, even than that of Roscius: for in the case "of a woman of Arretium, he defended the right of certain Towns of Italy to the freedom of Rome, though Sylla himself had deprived them of it by an express law; maintaining it to be one of those natural rights, which no law or power on earth could take from them:" in which also he carried his point, in opposition to Cotta, an Orator of the first character and abilities, who pleaded against him<sup>111</sup>.

But we have a clear account from himself of the real motive of his journey: "my body," says he, "at this time was exceedingly weak and emaciated; my neck long and small; which is a habit thought liable to great risk of life, if engaged in any fatigue or labor of the lungs; and it gave the greater alarm to those who had a regard for me, that I used to speak without any remission or variation, with the utmost stretch of my voice, and great agitation of my body; when my friends therefore and Physicians advised me to meddle no more with causes, I resolved to run any hazard, rather than quit the hopes of glory, which I proposed to myself from pleading: but when I considered, that by managing my voice, and changing my way of speaking, I might both avoid all danger, and speak with more ease, I took a resolution of travelling into Asia, merely for an opportunity of correcting my manner of

speaking: so that after I had been two years at the bar, and acquired a reputation in the Forum, I left Rome, &c. <sup>111</sup>."

He was twenty-eight years old, when he set forward upon his travels to Greece and Asia; the fashionable tour of all those, who travelled either for curiosity or improvement; his first visit was to Athens, the capital seat of arts and sciences; where some writers tell us, that he spent three years <sup>111</sup>, though in truth it was but six months: he took up his quarters with Antiochus, the principal Philosopher of the old academy; and under this excellent master renewed, he says, those studies which he had been fond of from his earliest youth. Here he met with his school-fellow, T. Pomponius, who from his love to Athens, and his spending a great part of his days in it, obtained the surname of Atticus <sup>111</sup>; and here they revived and confirmed that memorable friendship, which subsisted between them through life, with so celebrated a constancy and affection. Atticus, being an Epicurean, was often drawing Cicero from his host Antiochus to the conversation of Phædrus and old Zeno, the chief Professors of that sect, in hopes of making him a convert; on which subject they used to have many disputes between themselves: but Cicero's view in these visits was but to convince himself more effectually of the weakness of that doctrine, by observing how easily it might be confuted, when explained even by the ablest teachers <sup>111</sup>. Yet he did not give himself up so entirely to Philosophy,

as to neglect his rhetorical exercises, which he performed still every day very diligently with Demetrius the Syrian, an experienced master of the art of speaking”.

It was in this first journey to Athens, that he was initiated most probably into the Eleusinian mysteries: for though we have no account of the time, yet we cannot fix it better than in a voyage undertaken both for the improvement of his mind and body. The reverence with which he always speaks of these mysteries, and the hints that he has dropt of their end and use, seem to confirm what a very learned and ingenious writer has delivered of them, that they were contrived to inculcate “the unity of God, and the immortality of the Soul”.” As for the first, after observing to Atticus, who was one also of the initiated, how “the Gods of the popular religions were all but deceased mortals, advanced from earth to heaven,” he bids him “remember the doctrines of the mysteries, in order to recollect the universality of that truth:” and as to the second, he declares “his initiation to be in fact, what the name itself implied, a real beginning of life to him; as it taught the way, not only of living with greater pleasure, but of dying also with a better hope”.”

From Athens he passed into Asia, where he gathered about him all the principal Orators of the country, who kept him company through the rest of his voyage; and with whom he constantly exercised himself in every place, where

he made any stay. "The chief of them," says he, "was Menippus of Stratonica, the most eloquent of all the Asiatics; and if to be neither tedious, nor impertinent, be the characteristic of an Attic Orator, he may justly be ranked in that class: Dionysius also of Magnesia, Æschylus of Cnidos, and Xenocles of Adramyttus were continually with me, who were reckoned the first Rhetoricians of Asia: nor yet content with these, I went to Rhodes, and applied myself again to Molo, whom I had heard before at Rome; who was both an experienced Pleader, and a fine writer, and particularly expert in observing the faults of his scholars, as well as in his method of teaching and improving them: his greatest trouble with me was to restrain the exuberance of a juvenile imagination, always ready to overflow it's banks, within it's due and proper channel<sup>119</sup>."

But as at Athens, where he employed himself chiefly in Philosophy, he did not intermit his oratorical studies, so at Rhodes, where his chief study was Oratory, he gave some share also of his time to Philosophy with Posidonius, the most esteemed and learned Stoic of that age; whom he often speaks of with honor, not only as his master, but as his friend<sup>120</sup>. It was his constant care, that the progress of his knowledge should keep pace with the improvement of his eloquence; he considered the one as the foundation of the other, and thought it in vain to acquire ornaments, before he had provided necessary furniture:

he declaimed here in Greek, because Molo did not understand Latin; and upon ending his declamation, while the rest of the company were lavish of their praises, Molo, instead of paying any compliment, sat silent a considerable time, till observing Cicero somewhat disturbed at it, he said, "as for you, Cicero, I praise and admire you, but pity the fortune of Greece, to see arts and eloquence, the only ornaments which were left to her, transplanted by you to Rome "<sup>111</sup>." Having thus finished the circuit of his travels, he came back again to Italy, after an excursion of two years extremely improved, and changed as it were into a new man: the vehemence of his voice and action was moderated; the redundancy of his style and fancy corrected; his lungs strengthened; and his whole constitution confirmed "<sup>112</sup>.

This voyage of Cicero seems to be the only scheme and pattern of travelling, from which any real benefit is to be expected: he did not stir abroad, till he had completed his education at home; for nothing can be more pernicious to a nation, than the necessity of a foreign one; and after he had acquired in his own country whatever was proper to form a worthy Citizen and Magistrate of Rome, he went confirmed by a maturity of age and reason against the impressions of vice, not so much to learn as to polish what he had learnt, by visiting those places, where arts and sciences flourished in their greatest perfection. In a tour the most delightful of the world, he

saw every thing that could entertain a curious traveller, yet staid no where any longer than his benefit, not his pleasure detained him. By his previous knowledge of the laws of Rome, he was able to compare them with those of other cities, and to bring back with him whatever he found useful, either to his country or to himself. He was lodged, where-ever he came, in the houses of the great and the eminent; not so much for their birth and wealth, as for their virtue, knowledge, and learning; men honored and reverenced in their several Cities, as the principal Patriots, Orators, and Philosophers of the age: these he made the constant companions of his travels; that he might not lose the opportunity even on the road, of profiting by their advice and experience; and from such a voyage, it is no wonder, that he brought back every accomplishment, which could improve and adorn a man of sense.

Pompey returned about this time victorious from Africa; where he had greatly enlarged the bounds of the Empire, by the conquest and addition of many new countries to the Roman dominion. He was received with great marks of respect by the Dictator Sylla, who went out to meet him at the head of the nobility, and saluted him by the title of Magnus, or the Great; which from that authority was ever after given to him by all people. But his demand of a triumph disgusted both Sylla and the Senate; who thought it too ambitious in one, who had passed through none

of the public offices, nor was of age to be a Senator, to aspire to an honor, which had never been granted, except to Consuls or Prætors: but Pompey, insisting on his demand, extorted Sylla's consent, and was the first whose triumphal car is said to have been drawn by Elephants, and the only one of the Equestrian order who had ever triumphed: which gave an unusual joy to the people, to see a man of their own body obtain so signal an honor; and much more to see him descend again from it to his old rank, and private condition among the Knights <sup>123</sup>.

While Pompey, by his exploits in war, had acquired the surname of the Great, J. Cæsar, about six years younger, was giving proofs likewise of his military genius, and serving as a volunteer at the siege of Mitylene; a splendid and flourishing city of Lesbos, which had assisted Mithridates in the late war, and perfidiously delivered up to him M. Aquilius, a person of Consular dignity, who had been sent Ambassador to that King, and after the defeat of the Roman army had taken refuge in Mitylene, as in a place of the greatest security. Mithridates is said to have treated him with the last indignity; carrying him about in triumph, mounted upon an Afs, and forcing him to proclaim every where aloud, that he was Aquilius, who had been the chief cause of the war. But the Town now paid dear for that treachery, being taken by storm, and almost demolished by Q. Thermus: though Pompey restored it afterwards to its former beauty and liberty, at the request

of his favorite freedman Theophanes. In this siege Cæsar obtained the honor of a Civic crown; which, though made only of oaken leaves, was esteemed the most reputable badge of Martial virtue; and never bestowed, but for saving the life of a Citizen, and killing at the same time an enemy <sup>124</sup>.

Sylla died while Cicero was at Athens, after he had laid down the Dictatorship and restored liberty to the Republic, and, with an uncommon greatness of mind, lived many months as a private Senator and with perfect security in that City where he had exercised the most bloody tyranny: but nothing was thought to be greater in his character, than that during the three years, in which the Marians were masters of Italy, he neither dissembled his resolution of pursuing them by arms, nor neglected the war which he had upon his hands; but thought it his duty, first to chastise a foreign enemy, before he took his revenge upon Citizens <sup>125</sup>. His family was noble and Patrician, which yet, through the indolence of his Ancestors, had made no figure in the Republic for many generations, and was almost sunk into obscurity, till he produced it again into light, by aspiring to the honors of the State. He was a lover and patron of polite letters; having been carefully instituted himself in all the learning of Greece and Rome; but from a peculiar gaiety of temper, and fondness for the company of Mimics and Players, was drawn, when young, into a life of luxury and pleasure; so that when he was sent Quæstor to Marius

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in the Jugurthine war, Marius complained, that in so rough and desperate a service chance had given him so soft and delicate a Quæstor. But whether roused by the example, or stung by the reproach of his General, he behaved himself in that charge with the greatest vigor and courage, suffering no man to outdo him in any part of military duty or labor, making himself equal and familiar even to the lowest of the soldiers, and obliging them all by his good offices and his money; so that he soon acquired the favor of the army, with the character of a brave and skilful Commander; and lived to drive Marius himself, banished and proscribed, into that very province where he had been contemned by him at first as his Quæstor <sup>125</sup>. He had a wonderful faculty of concealing his passions and purposes, and was so different from himself in different circumstances, that he seemed as it were to be two men in one: no man was ever more mild and moderate before victory; none more bloody and cruel after it <sup>126</sup>. In war he practised the same art, that he had seen so successful to Marius, of raising a kind of enthusiasm and contempt of danger in his army, by the forgery of auspices and divine admonitions: for which end he carried always about with him a little statue of Apollo taken from the Temple of Delphi: and whenever he had resolved to give battle, used to embrace it in sight of the soldiers, and beg the speedy confirmation of its promises to him <sup>127</sup>. From an uninterrupted course of success and prosperity he assumed a surname,

unknown before to the Romans, of Felix or the Fortunate; and would have been fortunate indeed, says Velleius, if his life had ended with his victories<sup>11</sup>. Pliny calls it a wicked title, drawn from the blood and oppression of his country; for which posterity would think him more unfortunate, even than those whom he had put to death<sup>12</sup>. He had one felicity however peculiar to himself, of being the only man in history, in whom the odium of the most barbarous cruelties was extinguished by the glory of his great acts. Cicero, though he had a good opinion of his cause, yet detested the inhumanity of his victory, and never speaks of him with respect, nor of his government, but as a proper tyranny; calling him "a master of three most pestilent vices, luxury, avarice, cruelty"<sup>13</sup>. He was the first of his family, whose dead body was burnt: for having ordered Marius's remains to be taken out of his grave, and thrown into the river Anio, he was apprehensive of the same insult upon his own, if left to the usual way of burial<sup>14</sup>. A little before his death, he made his own Epitaph, the sum of which was, "that no man had ever gone beyond him, in doing good to his friends, or hurt to his enemies"<sup>15</sup>.

As soon as Sylla was dead, the old dissensions, that had been smothered a while by the terror of his power, burst out again into a flame between the two factions, supported severally by the two Consuls, Q. Catulus and M. Lepidus, who were wholly opposite to each other in party and politics.

Lepidus resolved at all adventures to rescind the acts of Sylla, and recall the exiled Marians; and began openly to solicit the people to support him in that resolution: but his attempt, though plausible, was factious and unseasonable, tending to overturn the present settlement of the Republic, which after it's late wounds and loss of civil blood, wanted nothing so much as rest and quiet, to recover a tolerable degree of strength. Catulus's father, the ablest Statesman of his time, and the chief assertor of the Aristocratical interest, had been condemned to die by Marius: the son therefore, who inherited his virtues, as well as his principles, and was confirmed in them by a resentment of that injury, vigorously opposed and effectually disappointed all the designs of his Colleague; who finding himself unable to gain his end without recurring to arms, retired to his government of Gaul, with intent to raise a force sufficient to subdue all opposition; where the fame of his levies and military preparations gave such umbrage to the Senate, that they soon abrogated his command. Upon this he came forward into Italy at the head of a great army, and having possessed himself of Etruria without opposition, marched in a hostile manner towards the City, to the demand of a second Consulship. He had with him several of the chief Magistrates, and the good wishes of all the Tribunes, and hoped by the authority of the Marian cause, which was always favored by the populace, to advance himself into Sylla's place, and usurp the sovereign power of Rome. Catulus in

the mean time upon the expiration of his office, was invested with Proconsular authority, and charged with the defence of the government; and Pompey also, by a decree of the Senate, was joined with him in the same commission; who having united their forces before Lepidus could reach the city, came to an engagement with him near the Milvian bridge, within a mile or two from the walls, where they totally routed and dispersed his whole army. But the Cisalpine Gaul being still in the possession of his Lieutenant, M. Brutus, the father of him who afterwards killed Cæsar, Pompey marched forward to reduce that Province: where Brutus, after sustaining a siege in Modena, surrendered himself into his hands; but being conducted, as he desired, by a guard of horse to a certain village upon the Po, he was there killed by Pompey's orders. This act was censured as cruel and unjust, and Pompey generally blamed for killing a man of the first quality, who had surrendered himself voluntarily and on the condition of his life: but he acted probably by the advice of Catulus, in laying hold of the pretext of Brutus's treason, to destroy a man, who from his rank and authority, might have been a dangerous Head to the Marian party, and capable of disturbing that Aristocracy, which Sylla had established; and which the Senate and all the better sort were very desirous to maintain. Lepidus escaped into Sardinia, where he died soon after of grief, to see his hopes and fortunes so miserably blasted: and thus ended the civil war

of Lepidus, as the Roman writers call it, which, though but short lived, was thought considerable enough by Sallust to be made the subject of a distinct History, of which several fragments are still remaining”.

As Cicero was returning from his travels towards Rome, full of hopes, and aspiring thoughts, his ambition was checked, as Plutarch tells us, by the Delphic Oracle: for upon consulting Apollo, by what means he might arrive at the height of glory, he was answered, “by making his own genius and not the opinion of the people, the guide of his life;” upon which he carried himself after his return with great caution, and was very shy of pretending to public honors. But though the rule be very good, yet Cicero was certainly too wise, and had spent too much of his time with Philosophers, to fetch it from an Oracle, which according to his own account, had been in the utmost contempt for many ages, and was considered by all men of sense as a mere imposture”. But if he really went to Delphi, of which we have not the least hint in any of his writings, we must impute it to the same motive, that draws so many Travellers at this day to the Holy House of Loretto; the curiosity of seeing a place so celebrated through the world for its sanctity and riches. After his return, however, he was so far from observing that caution which Plutarch speaks of, that he freely and forwardly resumed his former employment of pleading; and

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after one year more spent at the Bar, obtained in the next the dignity of Quæstor.

Among the causes which he pleaded before his Quæstorship was that of the famous Comedian Roscius, whom a singular merit in his art had recommended to the familiarity and friendship of the greatest men in Rome". The cause was this; one Fannius "had made over to Roscius a young slave, to be formed by him to the stage, on condition of a partnership in the profits, which the slave should acquire by acting: the slave was afterwards killed, and Roscius prosecuted the Murderer for damages, and obtained, by a composition, a little farm worth about eight hundred pounds, for his particular share: Fannius also sued separately, and was supposed to have gained as much, but pretending to have recovered nothing, sued Roscius for the moiety of what he had received." One cannot but observe from Cicero's pleading the wonderful esteem and reputation in which Roscius then flourished, of whom he draws a very amiable picture. — "Has Roscius then," says he, "defrauded his partner? Can such a stain stick upon such a man? who, I speak it with confidence, has more integrity than skill, more veracity than experience: whom the people of Rome know to be a better man than he is an Actor; and while he makes the first figure on the stage for his art, is worthy of the Senate for his virtue""." In another place he says of him, "that he was such an artist, as to seem the only one fit to come upon the stage; yet such a man, as to

seem the only one unfit to come upon it at all<sup>111</sup>: and that his action was so perfect and admirable, that when a man excelled in any other profession, it was grown into a proverb to call him a Roscius<sup>112</sup>. His daily pay for acting is said to have been about thirty pounds sterling<sup>113</sup>. Pliny computes his yearly profit at four thousand pounds<sup>114</sup>; but Cicero seems to rate it at five thousand. He was generous, benevolent, and a contemner of money; and after he had raised an ample fortune from the stage, gave his pains to the public for many years without any pay: whence Cicero urges it as incredible, "that he who in ten years past might honestly have gained fifty thousand pounds, which he refused, should be tempted to commit a fraud for the poultry sum of four hundred"<sup>115</sup>.

At the same of Cicero's return from Greece, there reigned in the Forum two Orators of noble birth and great authority, Cotta and Hortensius, whose glory inflamed him with an emulation of their *virtues*. Cotta's way of speaking was calm and easy, flowing with great elegance and propriety, of diction; Hortensius's sprightly, elevated, and warming both by his words and action; who being the nearer to him in age, about eight years older, and excelling in his own taste and manner, was considered by him more particularly as his pattern, or competitor rather in glory<sup>116</sup>. The busyness of pleading, though a profession of all others the most laborious, yet was not mercenary, or undertaken for any pay; for it was illegal to take money, or to accept even a present for it: but the richest,

the greatest, and the noblest of Rome freely offered their talents to the service of their citizens, as the common Guardians and Protectors of the innocent and distressed <sup>11</sup>. This was a constitution as old as Romulus, who assigned the patronage of the people to the Patricians or Senators, without fee or reward: but in succeeding ages, when, through the avarice of the Nobles, it was become a custom for all Clients, to make annual presents to their Patrons, by which the body of the Citizens was made tributary as it were to the Senate, M. Cincius, a Tribune, published a law, prohibiting all Senators "to take money or gifts on any account, and especially for pleading causes." In the contest about this law, Cicero mentions a smart reply made by the Tribune to C. Cento, one of the Orators who opposed it; for when Cento asked him with some scorn, "What is it, my little Cincius, that you are making all this stir about?" Cincius replied, "that you, Caius, may pay for what you use" <sup>12</sup>. We must not imagine however, that this generosity of the Great was wholly disinterested; or without any expectation of fruit; for it brought the noblest which a liberal mind could receive, the fruit of praise and honor from the public voice of their country: it was the proper instrument of their ambition, and the sure means of advancing them to the first dignities of the State: they gave their labors to the people, and the people repaid them with the honors and preferments which they had the power to bestow: this was a wise and happy constitution, whereby

a necessary connexion between virtue and honor, they served mutually to produce and perpetuate each other; where the reward of honors excited merit, and merit never failed to procure honors; the only policy which can make a nation great and prosperous.

Thus the three Orators just mentioned, according to the custom and constitution of Rome, were all severally employed this summer in suing for the different Offices, to which their different age and rank gave them a right to pretend; Cotta for the Consulship, Hortensius the Aedileship, Cicero the Quæstorship; in which they all succeeded: and Cicero especially had the honor to be chosen the first of all his competitors by the unanimous suffrage of the Tribes; and in the first year in which he was capable of it by law, the thirty first of his age<sup>11</sup>.

The Quæstors were the general Receivers or Treasurers of the Republic; whose number had been gradually enlarged with the bounds and revenues of the Empire from two, to twenty, as it now stood from the last regulation of Sylla. They were sent annually into the several Provinces, one with every Proconsul or Governor, to whom they were the next in authority, and had the proper equipage of Magistrates, the Lictors carrying the Fasces before them; which was not however allowed to them at Rome. Besides the care of the revenues, it was their business also to provide corn and all sorts of grain for the use of the armies abroad, and the public consumption at home.

This was the first step in the legal ascent and gradation of public honors, which gave an immediate right to the Senate, and after the expiration of the office an actual admission into it during life: and though strictly speaking none were held to be complete Senators, till they were enrolled at the next Lustrum, in the list of the Censors, yet that was only a matter of form, and what could not be denied to them, unless for the charge and notoriety of some crime, for which every other Senator was equally liable to be degraded. These Quæstors therefore, chosen annually by the people, were the regular and ordinary supply of the vacancies of the Senate, which consisted at this time of about five hundred: by which excellent institution the way to the highest Order of the State was laid open to the virtue and industry of every private citizen; and the dignity of this Sovereign Council maintained by a succession of members, whose distinguished merit had first recommended them to the notice and favor of their Country \*\*.

The Consuls of this year were Cn. Octavius and C. Scribonius Curio; the first was Cicero's particular friend, a person of singular humanity and benevolence, but cruelly afflicted with the gout; whom Cicero therefore urges as an example against the Epicureans, to show that a life supported by innocence could not be made miserable by pain \*\*. The second was a professed Orator, or Pleader at the Bar, where he sustained some credit, without any other accomplishment of art or nature, than a certain purity and splendor of language, derived

from the institution of a Father, who was esteemed for his eloquence: his action was vehement, with so absurd a manner of waving his body from one side to the other, as to give occasion to a jest upon him, that he had learnt to speak in a boat. They were both of them however good Magistrates; such as the present state of the Republic required; firm to the interests of the Senate, and the late establishment made by Sylla, which the Tribunes were laboring by all their arts to overthrow. These Consuls therefore were called before the people by Sicinius, a bold and factious Tribune, to declare their opinion about the revocation of Sylla's acts, and the restoration of the Tribunician power, which was now the only question that engaged the zeal and attention of the City: Curio spoke much against it with his usual vehemence and agitation of body; while Octavius sat by, crippled with the gout, and wrapped up in plaisters and ointments: when Curio had done, the Tribune, a man of a humorous wit, told Octavius, "that he could never make amends to his Colleague for the service of that day; for if he had not taken such pains to beat away the flies, they would certainly have devoured him""." But while Sicinius was pursuing his seditious practices, and using all endeavours to excite the people to some violence against the Senate, he was killed by the management of Curio, in a tumult of his own raising"".

We have no account of the precise time of Cicero's marriage; which was celebrated most

probably in the end of the preceding year, immediately after his return to Rome, when he was about thirty years old: it cannot be placed later, because his daughter was married the year before his Consulship, at the age only of thirteen; though we suppose her to be born this year on the fifth of August, which is mentioned to be her birth-day <sup>11</sup>. Nor is there any thing certain delivered of the family and condition of his wife Terentia; yet from her name, her great fortune, and her sister Fabia's being one of the Vestal Virgins <sup>12</sup>, we may conclude, that she was nobly descended. This year therefore was particularly fortunate to him, as it brought an increase not only of issue, but of dignity into his family, by raising it from the Equestrian to the Senatorian rank; and by this early taste of popular favor gave him a sure presage of his future advancement to the superior honors of the Republic.

## S E C T. I I L

THE Provinces of the Quæstors being distributed to them always by lot, the Island of Sicily happened to fall to Cicero's share<sup>1</sup>. This was the first country, which, after the reduction of Italy, became a prey to the power of Rome<sup>2</sup>, and was then thought considerable enough to be divided into two Provinces of Lilybeum and Syracuse; the former of which was allotted to Cicero: for though they were both united at this time under one Prætor or supreme Governor, S. Peducæus, yet they continued still to have each of them a distinct Quæstor<sup>3</sup>. He received this Office, not as a gift, but a trust; "and considered it," he says, "as a public Theatre, in which the eyes of the world were turned upon him;" and that he might act his part with the greater credit, resolved to devote his whole attention to it; and to deny himself every pleasure, every gratification of his appetites, even the most innocent and natural, which could obstruct the laudable discharge of it<sup>4</sup>.

Sicily was usually called the Granary of the Republic<sup>5</sup>; and the Quæstor's chief employment in it was to supply corn and provisions for the use of the City: but there happening to be a peculiar scarcity this year at Rome, it made the people very clamorous, and gave the Tribunes an

opportunity of inflaming them the more easily, by charging it to the loss of the Tribunician power, and their being left a prey by that means to the oppressions of the great'. It was necessary therefore to the public quiet, to send out large and speedy supplies from Sicily, by which the Island was like to be drained; so that Cicero had a difficult task to furnish what was sufficient for the demands of the City, without being grievous at the same time to the poor natives: yet he managed the matter with so much prudence and address, that he made very great exportations, without any burden upon the Province; showing great courtesy all the while to the dealers, justice to the merchants, generosity to the inhabitants, humanity to the allies; and in short, doing all manner of good offices to every body; by which he gained the love and admiration of all the Sicilians, who decreed greater honors to him at his departure, than they had ever decreed before to any of their Chief Governors'. During his residence in the Country, several young Romans of quality, who served in the army, having committed some great disorder and offence against martial discipline, ran away to Rome for fear of punishment; where being seized by the Magistrates, they were sent back to be tried before the Praetor in Sicily: but Cicero undertook their defence, and pleaded for them so well, that he got them all acquitted'; and by that means obliged many considerable families of the City.

In the hours of leisure from his Provincial

affairs , he employed himself very diligently , as he used to do at Rome , in his rhetorical studies ; agreeably to the rule which he constantly inculcates , " never to let one day pass without some exercise of that kind " : so that on his return from Sicily his oratorical talents were , according to his own judgment , in their full perfection and maturity . The Country itself , famous of old for it's school of eloquence , might afford a particular invitation to the revival of those studies : for the Sicilians , as he tells us , being a sharp and litigious people , and after the expulsion of their Tyrants , having many controversies among themselves about property , which required much pleading , were the first who invented rules and taught an art of speaking , of which Corax and Tysias were the first Professors : an art which , above all others , owes it's birth to liberty , and can never flourish but in a free air " .

Before he left Sicily he made the tour of the Island , to see every thing in it that was curious , and especially the city of Syracuse , which had always made the principal figure in it's history . Here his first request to the Magistrates , who were showing him the curiosities of the place , was to let him see the tomb of Archimedes whose name had done so much honor to it ; but to his surprise he perceived , that they knew nothing at all of the matter , and even denied that there was any such tomb remaining : yet as he was assured of it beyond all doubt by the concurrent testimony of writers , and remembered the verses inscribed , and that there was a Sphere with a Cylinder engraved

on some part of it, he would not be dissuaded from the pains of searching it out. When they had carried him therefore to the gate, where the greatest number of their old Sepulchres stood, he observed in a spot overgrown with shrubs and briars, a small Column, whose head just appeared above the bushes, with the figure of a Sphere and Cylinder upon it; this, he presently told the company, was the thing that they were looking for; and sending in some men to clear the ground of the brambles and rubbish, he found the inscription also which he expected, though the latter part of all the verses was effaced. Thus, says he, one of the noblest Cities of Greece, and once likewise the most learned, had known nothing of the Monument of it's most deserving and ingenious Citizen, if it had not been discovered to them by a Native of Atpinum". At the expiration of his year he took leave of the Sicilians by a kind and affectionate speech, assuring them of his protection in all their affairs at Rome; in which he was as good as his word, and continued ever after their constant patron, to the great benefit and advantage of the Province.

He came away extremely pleased with the success of his administration; and flattering himself, that all Rome was celebrating his praises, and that the people would readily grant him every thing that he desired; in which imagination he landed at Puteoli, a considerable port adjoining to Baiae, the chief seat of pleasure in Italy, where there was a perpetual resort of all the rich and the great, as well for

for the delights of it's situation , as the use of it's baths and hot waters. But here , as he himself pleasantly tells the story , he was not a little mortified by the first friend whom he met ; who , asked him , How long he had left Rome , and what news there ? when he answered. That he came from the Provinces : From Africa , I suppose , says another : and upon his replying with some indignation , No ; I come from Sicily : a third , who stood by , and had a mind to be thought wiser , said presently , How ! did you not know that Cicero was Quæstor of Syracuse ? Upon which , perceiving it in vain to be angry , he fell into the humor of the place , and made himself one of the company who came to the waters. This mortification gave some little check to his ambition , or taught him rather , how to apply it more successfully ; and did him more good , he says , " than if he had received all the compliments that he expected ; " for it made him reflect , " that the people of Rome had dull ears , but quick eyes ; and that it was his business to keep himself always in their sight ; nor to be so solicitous how to make them hear of him , as to make them see him : so that from this moment he resolved to stick close to the Forum , and to live perpetually in the view of the City ; nor to suffer either his porter or his sleep to hinder any man's access to him <sup>12</sup> .

At his return to Rome he found the Consul , L. Lucullus , employing all his power to repel the attempts of a turbulent Tribune , L. Quinctius , who had a manner of speaking peculiarly adapted

to inflame the multitude, and was perpetually exerting it, to persuade them to reverse Sylla's acts <sup>13</sup>. These acts were odious to all who affected popularity, especially to the Tribunes, who could not brook with any patience the diminution of their ancient power; yet all prudent men were desirous to support them, as the best foundation of a lasting peace and firm settlement of the Republic. The Tribune Sicinius made the first attack upon them soon after Sylla's death, but lost his life in the quarrel; which, instead of quenching, added fuel to the flame; so that C. Cotta, one of the next Consuls, a man of moderate principles and obnoxious to neither party, made it his business to mitigate these heats, by mediating between the Senate and the Tribunes, and remitting a part of the restraint that Sylla had laid upon them, so far as to restore them to a capacity of holding the superior Magistracies. But a partial restitution could not satisfy them; they were as clamorous still as ever, and thought it a treachery to be quiet, till they had recovered their whole rights: for which purpose Quintius was now imitating his predecessor Sicinius, and exciting the populace to do themselves justice against their oppressors, nor suffer their power and liberties to be extorted from them by the Nobles. But the vigor of Lucullus prevented him from gaining any farther advantage, or making any impression this year to the disturbance of the public peace <sup>14</sup>.

C. Verres, of whom we shall have occasion to say more hereafter, was now also Prætor of the City, or the supreme Administrator of Justice;

whose decrees were not restrained to the strict letter of the law, but formed usually upon the principles of common equity; which, while it gives a greater liberty of doing what is right, gives a greater latitude withal of doing wrong; and the power was never in worse hands, or more corruptly administered than by Verres: "for there was not a man in Italy," says Cicero, "who had a law-suit at Rome, but knew, that the rights and properties of the Roman people were determined by the will and pleasure of his whore".

There was a very extraordinary Commission granted this year to M. Antonius, the father of the Triumvir; the inspection and command of all the coasts of the Mediterranean: a boundless power, as Cicero calls it", which gave him an opportunity of plundering the Provinces, and committing all kinds of outrage on the Allies. He invaded Crete without any declaration of war, on purpose to enslave it, and with such an assurance of victory, that he carried more fetters with him than arms". But he met with the fate that he deserved: for the Cretans totally routed him in a naval engagement, and returned triumphant into their ports, with the bodies of their enemies hanging on their masts. Antonius died soon after this disgrace, infamous in his character, nor in any respect a better man, says Ascanius, than his son". But Metellus made the Cretans pay dear for their triumph, by the entire conquest of their country: "in which war," as Florus says, "if the truth must be told, the Romans were the aggressors; and though they charged the

Cretans with favoring Mithridates, yet their real motive was, the desire of conquering so noble an Island".

Mithridates also had now renewed the war against Rome; encouraged to it by the diversion which Sertorius was giving at the same time in Spain to their best troops and ablest Generals, Metellus and Pompey: so that Lucullus, who on the expiration of his Consulship had the Province of Asia allotted to him, obtained with it of course the command of this war. But while their arms were thus employed in the different extremities of the Empire, an ugly disturbance broke out at home, which, though contemptible enough in it's origin, began in a short time to spread terror and consternation through all Italy. It took it's rise from a few Gladiators, scarce above thirty at the first, who broke out of their school at Capua, and having seized a quantity of arms, and drawn a number of slaves after them, posted themselves on Mount Vesuvius: here they were presently surrounded by the Praetor Clodius Glaber, with a good body of regular troops; but forcing their way through them with sword in hand, they assaulted and took his camp, and made themselves masters of all Campania. From this success their numbers presently increased to the size of a just army of forty thousand fighting men: with which they made head against the Roman legions, and sustained a vigorous war for three years in the very bowels of Italy; where they defeated several Commanders of Consular and Praetorian rank; and, puffed

up with their victories, began to talk of attacking Rome. But M. Crassus the Prætor, to whom the war was committed, having gathered about him all the forces which were near home, chastised their insolence, and drove them before him to the extremity of Rhegium; where, for want of vessels to make their escape, the greatest part was destroyed, and among them their General Spartacus, fighting bravely to the last at the head of his desperate troops<sup>20</sup>. This was called the servile war, for which Crassus had the honor of an Ovation, it being thought beneath the dignity of the Republic to grant a full Triumph for the conquest of slaves: but to bring it as near as possible to a Triumph, Crassus procured a special decree of the Senate to authorize him to wear the laurel Crown, which was the proper ornament of the Triumph, as myrtle was of the Ovation<sup>21</sup>.

The Sertorian war happened to be finished also fortunately near the same time. The author of it, Sertorius, was bred under C. Marius, with whom he had served in all his wars, with a singular reputation, not only of martial virtue, but of justice and clemency; for though he was firm to the Marian party, he always disliked and opposed their cruelty, and advised a more temperate use of their power. After the death of Cinna, he fell into Sylla's hands, along with the Consul Scipio, when the army abandoned them: Sylla dismissed him with life, on the account perhaps of his known moderation: yet taking him to be an utter enemy to his cause, he soon after proscribed and drove

him to the necessity of seeking his safety in foreign countries. After several attempts on Africa and the coasts of the Mediterranean, he found a settlement in Spain, whither all who fled from Sylla's cruelty resorted to him, of whom he formed a Senate, which gave laws to the whole Province. Here, by his great credit and address, he raised a force sufficient to sustain a war of eight years against the whole power of the Republic; and to make it a question, whether Rome or Spain should possess the empire of the world. Q. Metellus, an old experienced Commander, was sent against him singly at first; but was so often baffled and circumvented by his superior vigor and dexterity, that the people of Rome were forced to send their favorite Pompey to his assistance, with the best troops of the Empire. Sertorius maintained his ground against them both; and after many engagements, in which he generally came off equal, often superior, was basely murdered at a private feast by the treachery of Perperna, who, being the next to him in command, was envious of his glory, and wanted to usurp his power. Perperna was of noble birth, and had been Praetor of Rome, where he took up arms with the Consul Lepidus to reverse the acts of Sylla, and recall the proscribed Marians, and after their defeat carried off the best part of their troops to the support of Sertorius<sup>11</sup>: but instead of gaining what he expected from Sertorius's death, he ruined the cause, of which he had made himself the chief, and put an end to a war that was wholly supported by the

reputation of the General : for the revolted Provinces presently submitted ; and the army having no confidence in their new leader , was easily broken and dispersed , and Perperna himself taken prisoner.

Pompey is celebrated on this occasion for an act of great prudence and generosity : for when Perperna , in hopes of saving his life , offered to make some important discoveries , and to put into his hands all Sertorius's papers , in which were several letters from the principal Senators of Rome , pressing him to bring his army into Italy for the sake of overturning the present Government , he ordered the papers to be burnt without reading them , and Perperna to be killed without seeing him <sup>21</sup> . He knew , that the best way of healing the discontents of the City , where faction was perpetually at work to disturb the public quiet , was , to ease people of those fears which a consciousness of guilt would suggest ; rather than push them to the necessity of seeking their security from a change of affairs , and the overthrow of the State <sup>22</sup> . As he returned into Italy at the head of his victorious army , he happened to fall in luckily with the remains of those fugitives , who , after the destruction of Spartacus , had escaped from Crassus , and were making their way in a body towards the Alps , whom he intercepted and entirely cut off to the number of five thousand ; and in a letter upon it to the Senate , said , " that Crassus indeed had defeated the Gladiators , but that he had plucked up the war by the roots " , " Cicero likewise , from a particular

difficult to Crassus, affected in his public speeches to give Pompey the honor of finishing this war, declaring, "that the very fame of his coming had broken the force of it, and his presence extinguished it".

For this victory in Spain Pompey obtained a second Triumph, while he was still only a private Citizen, and of the Equestrian rank: but the next day he took possession of the Consulship, to which he had been elected in his absence; and as if he had been born to command, made his first entry into the Senate in the proper post to preside in it. He was not yet full thirty-six years old, but the Senate, by a decree, dispensed with the incapacity of his age and absence; and qualified him to hold the highest Magistracy, before he was capable by law of pretending even to the lowest; and by his authority M. Crassus was elected also for his Colleague".

Crassus's father and elder brother lost their lives in the massacres of Marius and Cinna; but he himself escaped into Spain, and lay there concealed till Sylla's return to Italy, whither he presently resorted to him, in hopes to revenge the ruin of his fortunes and family on the opposite faction. As he was attached to Sylla's cause both by interest and inclination, so he was much considered in it; and being extremely greedy and rapacious, made use of all his credit to enrich himself by the plunder of the enemy, and the purchase of confiscated estates, which Cicero calls his 'harvest'. By these methods he raised an immense wealth, computed at many millions, gathered from the

spoils and calamities of his country. He used to say, "that no man could be reckoned rich, who was not able to maintain an army out of his own rents"; and if the accounts of Antiquity be true, the number of his slaves was scarce inferior to that of a full army; which, instead of being a burden, made one part of his revenue; being all trained to some useful art or profession, which enabled them not only to support themselves, but to bring a share of profit to their master. Among the other trades in his family, he is said to have had above five hundred masons and architects constantly employed in building or repairing the houses of the City"; He had contracted an early envy to Pompey, for his superior credit both with Sylla and the people; which was still aggravated by Pompey's late attempt to rob him of the honor of ending the servile war; but finding himself wholly unequal to his Rival in military fame, he applied himself to the arts of peace and eloquence; in which he obtained the character of a good speaker, and by his easy and familiar address, and a readiness to assist all, who wanted either his protection or his money, acquired a great authority in all the public affairs; so that Pompey was glad to embrace and oblige him, by taking him for his partner in the Consulship.

Five years were now almost elapsed, since Cicero's election to the Quæstorship: which was the proper interval prescribed by law; before he could hold the next office of Tribune or Aedile; and it was necessary to pass through one of these in his

way to the superior dignities : he chose therefore to drop the Tribune, as being stript of it's ancient power by the late ordinance of Sylla, and began to make interest for the ~~Æ~~edileship, while Hortensius at the same time was suing for the Consulship. He had employed all this interval in a close attendance on the forum ; and a perpetual course of pleading ", which greatly advanced his interest in the City ; especially when it was observed, that he strictly complied with the law, by refusing not only to take fees, but to accept even any presents, in which the generality of patrons were less scrupulous ". Yet all his Orations within this period are lost ; of which number were those for M. Tullius and L. Varenus, mentioned by Quintilian and Priscian, as extant in their time.

Some writers tell us, that he improved and perfected his action by the instructions of Roscius and ~~Æ~~sopus ; the two most accomplished Actors in that, or perhaps in any other age, the one in Comedy & the other in Tragedy ". He had a great esteem indeed for them both, and admired the uncommon perfection of their art : but though he condescended to treat them as friends, he would have disdained to use them as masters. He had formed himself upon a nobler plan, drawn his rules of action from nature and philosophy, and his practice from the most perfect speakers then living in the world, and declares the Theatre to be an improper school for the institution of an Orator, as teaching gestures too minute and unmanly, and laboring more about the expression of words, than

of things " ; nay , he laughs sometimes at Hortensius for an action too foppish and theatrical " , who used to be rallied on that very account by the other pleaders with the title of the Player ; so that, in the cause of P. Sylla , Torquatus, a free speaker on the other side, called him by way of ridicule, Dionysia , an actress of those times , in great request for her dancing " . Yet Hortensius himself was so far from borrowing his manner from the Stage , that the Stage borrowed from him ; and the two celebrated Actors just mentioned , Roscius and Æsopus , are said to have attended all the trials in which he pleaded , in order to perfect the action of the Theatre by that of the Forum : which seems indeed to be the more natural method of the two , that they who act in feigned life should take their pattern from the true ; not those , who represent the true , copy from that which is feigned " . We are told however by others , what doth not seem wholly improbable , that Cicero used to divert himself sometimes with Roscius , and make it an exercise , or trial of skill between them , which could express the same passion the most variously , the one by words , the other by gestures " .

As he had now devoted himself to a life of business and ambition , so he omitted none of the usual arts of recommending himself to popular favor , and facilitating his advancement to the superior honors. He thought it absurd , that when every little Artificer knew the name and use of all his tools , a Statesman should neglect the knowledge of

men, who were the proper instruments, with which he was to work: he made it his business therefore to learn the name, the place, and the condition of every eminent Citizen; what estate, what friends, what neighbours he had; and could readily point out their several houses, as he travelled through Italy". This knowledge, which is useful in all popular Governments, was peculiarly necessary at Rome; where the people having much to give, expected to be much courted; and where their high spirits and privileges placed them as much above the rank of all other Citizens, as the grandeur of the Republic exceeded that of all other States; so that every man, who aspired to any public dignity, kept a slave or two in his family, whose sole business it was to learn the names and know the persons of every Citizen at sight; so as to be able to whisper them to his Master, as he passed through the streets, that he might be ready to salute them all familiarly and shake hands with them, as his particular acquaintance".

Plutarch says, "that the use of these Nomenclators was contrary to the laws; and that Cato for that reason, in suing for the public offices, would not employ any of them, but took all that trouble upon himself". But that notion is fully confuted by Cicero, who, in his Oration for Muretia, rallies the absurd rigor of Cato's stoical principles; and their inconsistency with common life, from the very circumstance of his having a Nomenclator — "What do you mean," says he, "by keeping a

" Nomenclator ? The thing itself is a mere cheat :  
" for if it be your duty to call the Citizens by  
" their names, it is a shame for your slave to know  
" them better than yourself. — Why do you  
" not speak to them before he has whispered you ?  
" Or, after he has whispered, why do you salute  
" them, as if you knew them yourself ? Or, when  
" you have gained your election, why do you  
" grow careless about saluting them at all ? All  
" this, if examined by the rules of social life, is  
" right ; but if by the precepts of your Philo-  
" sophy, very wicked ". As for Cicero himself,  
whatever pains he is said to have taken in this  
way, it appears from several passages in his letters,  
that he constantly had a nomenclator at his elbow  
on all public occasions ".

He was now in his thirty-seventh year, the proper age for holding the *Ædileship*, which was the first public preferment that was properly called a *Magistracy* ; the *Quæstorship* being an office only or place of trust, without any jurisdiction in the City, as the *Ædiles* had ". These *Ædiles*, as well as all the inferior officers, were chosen by the people voting in their Tribes ; a manner of electing of all the most free and popular : in which Cicero was declared *Ædile*, as he was before elected *Quæstor* by the unanimous suffrage of all the tribes, and preferably to all his competitors ".

There were originally but two *Ædiles* chosen from the body of the people on pretence of easing the *Tribunes* of a share of their trouble : whose chief duty, from which the name itself was derived,

was to take care of the *Ædifices* of the City; and to inspect the markets, weights, and measures; and regulate the shows and games, which were publicly exhibited on the festivals of their Gods <sup>11</sup>: The Senate afterwards, taking an opportunity when the people were in good humor, prevailed to have two more created from their order and of superior rank, called *Curule Ædiles*, from the arm-chair of Ivory, in which they sat <sup>12</sup>: But the Tribunes presently repented of their concession, and forced the Senate to consent, that these new *Ædiles* should be chosen indifferently from the Patrician or Plebeian families <sup>13</sup>: But whatever difference there might be at first between the *Curule* and *Plebeian Ædiles*, their province and authority seem in later times to be the same, without any distinction but what was nominal; and the two who were chosen the first, were probably called the *Curule Ædiles*, as we find Cicero to be now styled. This magistracy gave a precedence in the Senate, or a priority of voting and speaking, next after the *Consuls* and *Prætors*; and was the first that qualified a man to have a picture or statue of himself, and consequently ennobled his family <sup>14</sup>: for it was from the number of these statues of ancestors, who had born *Curule Offices*, that the families of Rome were esteemed the more or less noble.

After Cicero's election to the *Ædileship*, but before his entrance into the office, he undertook the famed prosecution of C. Verres, the late *Prætor* of Sicily; charged with many flagrant acts of injustice, rapine, and cruelty, during his triennial

government of that Island. And since this was one of the memorable transactions of his life, and for which he is greatly celebrated by Antiquity, it will be necessary to give a distinct and particular relation of it.

The public administration was at this time, in every branch of it, most infamously corrupt: the great, exhausted by their luxury and vices, made no other use of their governments, than to enrich themselves by the spoils of the foreign Provinces: their business was to extort money abroad, that they might purchase offices at home, and to plunder the allies, in order to corrupt the Citizens. The oppressed in the mean while found it in vain to seek relief at Rome, where there was none who cared either to impeach or to condemn a noble criminal; the decision of all trials being in the hands of men of the same condition, who were usually involved in the same crimes, and openly prostituted their judgment on these occasions for favor or a bribe. This had raised a general discontent through the Empire, with a particular disgust to that change made by Sylla, of transferring the right of judicature from the Equestrian to the Senatorian order, which the people were now impatient to get reversed; the prosecution therefore of Verres was both seasonable and popular, as it was likely to give some check to the oppressions of the nobility, as well as comfort and relief to the distressed subjects.

All the cities of Sicily concurred in the impeachment, excepting Syracuse and Messana; for

these two being the most considerable of the Province, Verres had taken care to keep up a fair correspondence with them. Syracuse was the place of his residence, and Messana the repository of his plunder whence he exported it all to Italy: and though he would treat even these on certain occasions very arbitrarily, yet in some flagrant instances of his rapine, that he might ease himself of a part of the envy, he used to oblige them with a share of the spoil": so that partly by fear, and partly by favor, he held them generally at his devotion; and at the expiration of his government procured ample testimonials from them both in praise of his administration. All the other Towns were zealous and active in the prosecution, and by a common petition to Cicero implored him to undertake the management of it; to which he consented, out of regard to the relation which he had born to them as Quæstor, and his promise made at parting, of his protection in all their affairs. Verres, on the other hand, was supported by the most powerful families of Rome, the Scipios and the Metelli, and defended by Hortensius, who was the reigning Orator at the Bar, and usually styled the King of the Forum"; yet the difficulty of the cause, instead of discouraging, did but animate Cicero the more, by the greater glory of the victory.

He had no sooner agreed to undertake it, than an unexpected rival started up, one Q. Cæcilius, a Sicilian by birth, who had been Quæstor to Verres; and by a pretence of personal injuries received from

from him, and a particular knowledge of his crimes, claimed a preference to Cicero in the task of accusing him, or at least to bear a joint share in it. But this pretended enemy was in reality a secret friend, employed by Verres himself to get the cause into his hands in order to betray it; his pretensions however were to be previously decided by a kind of process called Divination, on account of it's being wholly conjectural; in which the judges, without the help of witnesses, were to divine, as it were, what was fit to be done; but in the first hearing Cicero easily shook off this weak Antagonist, rallying his character and pretensions with a great deal of wit and humor, and showing, "that the proper patron of such a cause " could not be one who offered himself forwardly, " but who was drawn to it unwillingly from the " mere sense of his duty; one whom the prosecu " cutors desired, and the criminal dreaded; one " qualified by his innocence, as well as experience " to sustain it with credit; and whom the custom " of their ancestors pointed out and preferred to " it." In this speech, after opening the reasons why, contrary to his former practice, and the rule which he had laid down to himself, of dedicating his labors to the defence of the distressed, he now appeared as an Accuser, he adds; "the provinces, " are utterly undone; the allies and tributaries so, " miserably oppressed, that they have lost even, " the hopes of redress, and seek only some com " fort in their ruin: those, who would have, " the trials remain in the hands of the Senate,

complain, that there are no men of reputation to undertake impeachments, no severity in the Judges: the people of Rome in the mean while, though laboring under many other grievances, yet desire nothing so ardently, as the ancient discipline and gravity of trials. For the want of trials, the Tribunician power is called for again; for the abuse of trials, a new order of Judges is demanded; for the scandalous behaviour of Judges, the authority of the Censors, hated before as too rigid, is now desired and grown popular. In this licence of profigate criminals, in the daily complaints of the Roman people, the infamy of trials, the disgrace of the whole Senatorian order, as I thought it the only remedy to these mischiefs, for men of abilities and integrity to undertake the cause of the Republic and the laws; so I was induced the more readily, out of regard to our common safety, to come to the relief of that part of the administration, which seemed the most to stand in need of it".

This previous point being settled in favor of Cicero, a hundred and ten days were granted to him by law for preparing the evidence; in which he was obliged to make a voyage to Sicily, in order to examine witnesses, and collect facts to support the indictment. He was aware, that all Verres's art would be employed to gain time, in hopes to tire out the Prosecutors, and allay the heat of the public resentment: so that for the greater dispatch he took along with him his cousin, L. Cicero, to

ease him of a part of the trouble, and finished his progress through the island in less than half the time which was allowed to him".

In all the journeys of this kind, the Prosecutor's charges used to be publicly defrayed by the Province, or the Cities concerned in the impeachment: but Cicero, to show his contempt of money, and disinterestedness in the cause, resolved to put the Island to no charge on his account; and in all the places to which he came, took up his quarters with his particular friends and acquaintance in a private manner, and at his own expense.

The Sicilians received him every where with all the honors due to his uncommon generosity, and the pains which he was taking in their service: but at Syracuse he met with some little fronts from the influence of the Praetor Metellus, who employed all his power to obstruct his inquiries, and discourage the people from giving him information. He was invited however by the Magistrates with great respect into their Senate, where after he had expostulated with them a little for the gilt Statue of Verres, which stood there before his face, and the testimonial which they had sent to Rome in his favor; they excused themselves to him in their speeches, and alledged, "that what they had been induced to do on that occasion was the effect of force and fear, obtained by the intrigues of a few, against the general inclination;" and to convince him of their sincerity, delivered into his hands the authentic accounts of many robberies and injuries which their own City had suffered from

Vetres in common with the rest of the Province. As soon as Cicero retired, they declared his cousin Lucius the public guest and friend of the City, for having signified the same good will towards them, which Cicero himself had always done; and, by a second decree, revoked the public praises which they had before given to Verres. Here Cicero's old Antagonist, Cæcilius, appealed against them to the Prætor; which provoked the populace to such a degree, that Cicero could hardly restrain them from doing him violence: the Prætor dismissed the Senate, and declared their act to be irregular, and would not suffer a copy of it to be given to Cicero; whom he reproached at the same time for betraying the dignity of Rome, by sub-~~mitting~~ting not only to speak in a foreign Senate, but in a foreign language, and to talk Greek among Grecians ". But Cicero answered him with such spirit and resolution, urging the sanction of the laws, and the penalty of condemning them, that the Prætor was forced at last to let him carry away all the vouchers and records which he required ".

But the City of Messana continued obstinate to the last, and firm to its engagements with Verres; so that when Cicero came thither, he received no compliments from the Magistrates, no offer of refreshments or quarters; but was left to shift for himself, and to be taken care of by private friends. An indignity, he says, which had never been offered before to a Senator of Rome; whom there was not a King or City upon earth, that was not proud to invite and accommodate with a

lodging. But he mortified them for it severely at the trial, and threatened to call them to an account before the Senate, as for an affront to the whole order ". After he had finished his business in Sicily, having reason to apprehend some danger in returning home by land, not only from the robbers, who infested all those roads, but from the malice and contrivance of Verres, he chose to come back by sea, and arrived at Rome, to the surprise of his adversaries, much sooner than he was expected ", and full charged with most manifest proofs of Verres's guilt.

On his return he found, what he suspected, a strong cabal formed to prolong the affair by all the arts of delay which interest or money could procure ", with design to throw it off at least to the next year, when Hortensius and Metellus were to be Consuls, and Metellus's brother a Prætor, by whose united authority the prosecution might easily be baffled: and they had already carried the matter so far, that there was not time enough left within the current year to go through the cause in the ordinary forms. This put Cicero upon a new project, of shortening the method of the proceeding ", so as to bring it to an issue at any rate before the present Prætor M. Glabrio and his assessors, who were like to be equal Judges ". Instead therefore of spending any time in speaking, or employing his eloquence, as usual, in enforcing and aggravating the several articles of the charge, he resolved to do nothing more than produce his witnesses, and offer them to be interrogated: where

the novelty of the thing, and the notoriety of the guilt, which appeared at once from the very recital of the depositions, so confounded Hortensius, that he had nothing to say for his Client; who, despairing of all defence, submitted, without expecting the sentence, to a voluntary exile <sup>1</sup>.

From this account it appears, that of the seven excellent orations, which now remain on the subject of this trial, the two first only were spoken, the one called the Divination, the other the first action, which is nothing more, than a general Preface to the whole cause: the other five were published afterwards, as they were prepared and intended to be spoken, if Verres had made a regular defence: for as this was the only cause in which Cicero had yet been engaged, or ever designed to be engaged as an accuser, so he was willing to leave these orations as a specimen of his abilities in that way, and the pattern of a just and diligent impeachment of a great and corrupt magistrate <sup>2</sup>.

In the first contest with Cæcilius he estimates the damages of the Sicilians at above eight hundred thousand pounds <sup>3</sup>; but this was a computation at large, before he was distinctly informed of the facts: for after he had been in Sicily, and seen what the proofs actually amounted to, he charges them at somewhat less than half that sum <sup>4</sup>: and though the law in these cases gave double damages, yet no more seems to have been allowed in this than the single sum; which gave occasion, as Plutarch intimates, to a suspicion of some corruption, or connivance in Cicero, for suffering so

great an abatement of the fine : but if there was any abatement at all, it must needs have been made by the consent of all parties, out of regard perhaps to Verres's submission, and shortening the trouble of the Prosecutors : for it is certain, that so far from leaving any imputation of that sort upon Cicero, it highly raised the reputation both of his abilities and integrity, as of one, whom neither money could bribe, nor power terrify from prosecuting a public oppressor ; and the Sicilians ever after retained the highest sense of his services, and on all occasions testified the utmost zeal for his person and interests.

From the conclusion of these orations we may observe, that Cicero's vigor in this cause had drawn upon him the envy and ill will of the Nobility : which was so far however from moving him, that in open defiance of it he declares, " that " the Nobles were natural enemies to the virtue " and industry of all new men ; and, as if they " were of another race and species, could never " be reconciled or induced to favor them, by " any observance or good offices whatsoever : " that for his part therefore, like many others " before him, he would pursue his own course, " and make his way to the favor of the people, " and the honors of the state, by his diligence " and faithful services, without regarding the " quarrels to which he might expose himself. — " That if in this trial the Judges did not answer " the good opinion which he had conceived of " them, he was resolved to prosecute, not only

“ those who were actually guilty of corruption, “ but those too who were privy to it: and if any “ should be so audacious, as to attempt by power “ or artifice to influence the Bench, and skreen “ the criminal, he would call him to answer for “ it before the people, and show himself more vi- “ gorous in pursuing him than he had been even “ in prosecuting Verres ”.

But before I dismiss the cause of Verres, it will not be improper to add a short account of some of his principal crimes, in order to give the reader a clearer notion of the usual method of governing Provinces, and explain the grounds of those frequent impeachments and public trials, which he will meet with in the sequel of this History, for though few of their Governors ever came up to the full measure of Verres's iniquity, yet the greatest part were guilty in some degree of every kind of oppression, with which Verres himself was charged. This Cicero frequently intimates in his pleading, and urges the necessity of condemning him for the sake of the example, and to prevent such practices from growing too general to be controlled ”.

The accusation was divided into four heads; 1. Of corruption in judging causes; 2. Of extortion in collecting the tithes and revenues of the Republic; 3. Of plundering the subjects of their statues and wrought plate, which was his peculiar taste; 4. Of illegal and tyrannical punishments. I shall give a specimen or two of each from the great number that Cicero has collected, which yet,

as he tells us, was but a small extract from an infinitely greater, of which Verres had been actually guilty.

There was not an estate in Sicily, of any considerable value, which had been disposed of by will for twenty years past, where Verres had not his emissaries at work to find some flaw in the title, or some omission in executing the conditions of the Testator, as a ground of extorting money from the Heir. Dio of Halefa, a man of eminent quality, was in quiet possession of a great inheritance, left to him by the will of a relation, who had enjoined him to erect certain Statues in the square of the City, on the penalty of forfeiting the estate to the Erycinian Venus. The Statues were erected according to the will; yet Verres having found some little pretence for cavilling, suborned an obscure Sicilian, one of his own Informers, to sue for the estate in the name of Venus; and when the cause was brought before him, forced Dio to compound with him for about nine thousand pounds, and to yield to him also a famous breed of mares, with all the valuable plate and furniture of his house".

Sopater, an eminent Citizen of Haliciæ, had been accused before the late Prætor C. Sacerdos of a capital crime, of which he was honorably acquitted: but when Verres succeeded to the government, the Prosecutors renewed their charge, and brought him to a second trial before their new Prætor; to which Sopater, trusting to his inno-

cence and the judgment of Sacerdos, readily submitted without any apprehension of danger. After one hearing the cause was adjourned, when Timarchides, the freedman and principal agent of Verres, came to Sopater, and admonished him as a friend, not to depend too much on the goodness of his cause and his former absolution, for that his adversaries had resolved to offer money to the Prætor, who would rather take it for saving, than destroying a criminal, and was unwilling likewise to reverse the judgment of his predecessor. Sopater, surprised at this intimation, and not knowing what answer to make, promised to consider of it; but declared himself unable to advance any large sum. Upon consulting his friends, they all advised him to take the hint, and make up the matter; so that in a second meeting with Timarchides, after alledging his particular want of money, he compounded the affair for about seven hundred pounds, which he paid down upon the spot <sup>1</sup>. He now took all his trouble to be over: but after another hearing, the cause was still adjourned; and Timarchides came again to let him know, that his accusers had offered a much larger sum than what he had given, and advised him, if he was wise, to consider well what he had to do. But Sopater, provoked by a proceeding so impudent, had not the patience even to hear Timarchides, but flatly told him, that they might do what they pleased, for he was determined to give no more. All his friends were of the same mind, imagining, that whatever

Verres himself might intend to do, he would not be able to draw the other judges into it, being all men of the first figure in Syracuse, who had judged the same cause already with the late Prætor, and acquitted Sopater. When the third hearing came on, Verres ordered Petilius, a Roman Knight, who was one of the Bench, to go and hear a private cause, which was appointed for that day, and of which he was likewise the Judge. Petilius refused, alledging that the rest of his assessors would be engaged in the present trial. But Verres declared, that they might all go with him too if they pleased, for he did not desire to detain them; upon which they all presently withdrew, some to sit as Judges, and some to serve their friends in the other cause. Minucius, Sopater's advocate, seeing the Bench thus cleared, took it for granted that Verres would not proceed in the trial that day, and was going out of the Court along with the rest; when Verres called him back, and ordered him to enter upon the defence of his Client. "Defend him!" says he, "before whom? Before me", replies Verres, "if you think me worthy to try a poultry Greek and Sicilian. I do not dispute your worthiness", says Minucius, "but wish only that your Assessors were present, who were so well acquainted with the merits of the cause. Begin, I tell you", says Verres, "for they cannot be present." No more can I," replied Minucius; "for Petilius begged of me also to go, and sit with him upon the other trial." And when Verres with many threats required him to stay, he abso-

lutely refused to act, since the Bench was dismissed, and so left the Court together with all the rest of Sopater's friends. — This somewhat discomposed Verres; but after he had been whispered several times by his Clerk Timarchides, he commanded Sopater to speak what he had to say in his own defence. Sopater implored him by all the Gods not to proceed to sentence, till the rest of the Judges could be present: but Verres called for the witnesses, and after he had heard one or two of them in a summary way, without their being interrogated by any one, put an end to the trial, and condemned the Criminal".

Among the various branches of Verres's illegal gains, the sale of offices was a considerable article: for there was not a Magistracy of any kind to be disposed of either by lot or a free vote, which he did not arbitrarily sell to the best bidder. The Priesthood of Jupiter at Syracuse was of all others the most honorable: the method of electing into it was to chuse three by a general vote out of three several classes of the Citizens, whose names were afterwards cast into an urn, and the first of them that was drawn out obtained the Priesthood. Verres had sold it to Theomnastus, and procured him to be named in the first instance among the three; but as the remaining part was to be decided by lot, people were in great expectation to see how he would manage that which was not so easily in his power. He commanded therefore in the first place, that Theomnastus should be declared Priest without casting lots; but when the Syracusans

remonstrated against it as contrary to their religion and the law, he called for the law, which ordered, that as many lots should be made, as there were persons nominated, and that he, whose name came out the first, should be the Priest. He asked them, How many were nominated; they answered, Three; "and what more then", says he, "is required by the law, than that three lots should be cast, and one of them drawn out?" They answered, Nothing: upon which he presently ordered three lots, with Theomnaстus's name upon every one of them, to be cast into the urn, and so by drawing out any one, the election was determined in his favor".

The tenth of the corn of all the conquered Towns in Sicily belonged to the Romans, as it had formerly done to their own Princes, and was always gathered in kind and sent to Rome: but as this was not sufficient for the public use, the Praetors had an appointment also of money from the treasury, to purchase such farther stores as were necessary for the current year. Now the manner of collecting and ascertaining the quantity of the tithes was settled by an old law of King Hiero, the most moderate and equitable of all their ancient Tyrants: but Verres, by a strange sort of edict, ordered, "that the owner should pay whatever the Collector demanded; but if he exacted more than his due, that he should be liable to a fine of eight times the value". By this Edict he threw the property, as it were of the Island into the power of his officers, to whom he had farmed out the

tithes; who in virtue of the new law seized into their hands the whole crop of every Town, and obliged the owners to give them whatever share of it, or composition in money they thought fit; and if any refused, they not only plundered them of all their goods, but even tortured their persons, till they had forced them to a compliance<sup>23</sup>. By this means Verres having gathered a sufficient quantity of corn from the very tithes to supply the full demand of Rome, put the whole money, that he had received from the treasury, into his own pocket<sup>24</sup>, and used to brag, that he had got enough from this single article to screen him from any impeachment: and not without reason; since one of his Clerks, who had the management of this corn-money, was proved to have got above ten thousand pounds from the very fees which were allowed for collecting it<sup>25</sup>. The poor Husbandmen in the mean time, having no remedy, were forced to run away from their houses, and desert the tillage of the ground; so that from the registers, which were punctually kept in every Town, of all the occupiers of arable lands in the Island, it appeared, that during the three years government of Verres, above two thirds of the whole number had entirely deserted their farms, and left their lands uncultivated<sup>26</sup>.

Apronius, a man of infamous life and character, was the principal farmer of the tithes: who when reproached with the cruelty of his exactions, made no scruple to own, that the chief share of the gain was placed to the account of the Praetor.

These words were charged upon him in the presence of Verres and the Magistrates of Syracuse by one Rubrius, who offered a wager and trial upon the proof of them; but Verres, without showing any concern or emotion at it, privately took care to hush up the matter, and prevent the dispute from proceeding any farther".

The same wager was offered a second time, and in the same public manner, by one Scandilius, who loudly demanded Judges to decide it: to which Verres, not being able to appease the clamor of the man, was forced to consent, and named them presently out of his own band, Cornelius his Physician, Volusius his Soothsayer, and Valerius his Crier; to whom he usually referred all disputes, in which he had any interest. Scandilius insisted to have them named out of the Magistrates of Sicily, or that the matter should be referred to Rome: but Verres declared, that he would not trust a cause in which his own reputation was at stake, to any but his own friends; and when Scandilius refused to produce his proofs before such arbitrators, Verres condemned him in the forfeiture of his wager, which was forty pounds, to Apronius".

C. Heius was the principal Citizen of Messana, where he lived very splendidly in the most magnificent house of the city, and used to receive all the Roman Magistrates with great hospitality. He had a Chapel in his house, built by his ancestors, and furnished with certain images of the Gods, of admirable sculpture and inestimable value. On

one side stood a Cupid of marble, made by Praxiteles: on the other, a Hercules of brass, by Miron; with a little altar before each God, to denote the religion and sanctity of the place. There were likewise two other figures of brass of two young women, called Canephoræ, with baskets on their heads, carrying things proper for sacrifice after the manner of the Athenians, the work of Polycletus. These statues were an ornament not only to Heius, but to Messana itself, being known to every body at Rome, and constantly visited by all strangers, to whom Heius's house was always open. The Cupid had been borrowed by C. Claudio, for the decoration of the Forum in his ædileship, and was carefully sent back to Messana; but Verres, while he was Heius's guest, would never suffer him to rest, till he had stript his Chapel of the Gods and the Canephoræ; and to cover the act from an appearance of robbery, forced Heius to enter them into his accounts, as if they had been sold to him for fifty pounds; whereas at a public auction in Rome, as Cicero says, they had known one single statue of brass, of a moderate size, sold a little before for a thousand <sup>1</sup>. Verres had seen likewise at Heius's house a suit of curious Tapestry, reckoned the best in Sicily, being of the kind which was called Attalic, richly interwoven with gold, this he resolved also to extort from Heius, but not till he had secured the statues. As soon therefore as he left Messana, he began to urge Heius by letters, to send him the tapestry to Agrigentum, for some particular service which he pretended;

pretended; but when he had once got it into his hands, he never restored it". Now Messana, as it is said above, was the only City of Sicily that persevered to the last in the interest of Verres; and at the time of the trial sent a public testimonial in his praise by a deputation of it's eminent Citizens, of which this very Heius was the chief. Yet when he came to be interrogated and cross-examined by Cicero, he frankly declared, that though he was obliged to perform what the authority of his City had imposed upon him, yet that he had been plundered by Verres of his Gods, which were left to him by his Ancestors, and which he never would have parted with on any conditions whatsoever, if it had been in his power to keep them".

Verres had in his family two brothers of Cilicia, the one a Painter, the other a Sculptor, on whose judgment he chiefly relied in his choice of pictures and statues, and all other pieces of art. They had been forced to fly from their country for robbing a Temple of Apollo, and were now employed to hunt out every thing that was curious and valuable in Sicily, whether of public or private property. These brothers having given Verres notice of a large silver Ewer, belonging to Pamphilus of Lilybæum, of most elegant work, made by Bæthus", Verres immediately sent for it, and seized it for his own use: and while Pamphilus was sitting pensive at home, lamenting the loss of his rich vessel, the chief ornament of his side-board, and the pride of his feasts, another

messenger came running to him, with orders to bring two silver cups also, which he was known to have, adorned with figures in relief, to be shewn to the Praetor. Pamphilus, for fear of greater mischief, took up his cups and carried them away himself; when he came to the palace, Verres happened to be asleep, but the brothers were walking in the Hall, and waiting to receive him; who, as soon as they saw him, asked for the cups, which he accordingly produced. They commended the work; whilst he with a sorrowful face began to complain, that if they took his cups from him, he should have nothing of any value left in his house. The brothers, seeing his concern, asked how much he would give to preserve them; in a word, they demanded forty crowns; he offered twenty: but while they were debating, Verres awaked and called for the cups; which being presently shewn to him, the brothers took occasion to observe, that they did not answer to the account that had been given of them, and were but of poultry work, not fit to be seen among his plate; to whose authority Verres readily submitted, and so Pamphilus saved his cups <sup>11</sup>.

In the City of Tindaris there was a celebrated Image of Mercury, which had been restored to them from Carthage by Scipio, and was worshipped by the people with singular devotion, and an annual Festival. This statue Verres resolved to have, and commanded the chief Magistrate, Sopater, to see it taken down and conveyed to Messana. But the people were so inflamed and muti-

nous upon it, that Verres did not persist in his demand at that time; but when he was leaving the place, renewed his orders to Sopater, with severe threats, to see his command executed. Sopater proposed the matter to the Senate, who universally protested against it: in short Verres returned to the Town, and inquired for the statue; but was told by Sopater, that the Senate would not suffer it to be taken down, and had made it capital for any one to meddle with it without their orders. "Do not tell me," says Verres, "of your Senate and your orders; if you do not presently deliver the statue, you shall be scourged to death with rods." Sopater with tears moved the affair again to the Senate, and related the *Prætor*'s threats; but in vain; they broke up in disorder, without giving any answer. This was reported by Sopater to Verres, who was sitting in his Tribunal: it was the midst of winter, the weather extremely cold, and it rained very heavily, when Verres ordered Sopater to be stripped and carried into the market-place, and there to be tied upon an Equestrian statue of C. Marcellus, and exposed naked as he was, to the rain and the cold, and stretched in a kind of torture upon the brazen horse; where he must necessarily have perished; if the people of the Town, out of compassion to him, had not forced their Senate to grant the Mercury to Verres".

Young Antiochus, King of Syria, having been at Rome to claim the Kingdom of Egypt in right of his mother, passed through Sicily at this time

on his return home, and came to Syracuse; where Verres, who knew that he had a great treasure with him, received him with a particular civility; made him large presents of wine, and all refreshments for his table, and entertained him most magnificently at supper. The King, pleased with this compliment, invited Verres in his turn to sup with him; when his side-board was dressed out in a royal manner with his richest plate, and many vessels of solid gold set with precious stones; among which there was a large Jug for wine, made out of one entire gem, with a handle of gold to it. Verres greedily surveyed and admired every piece; and the King rejoiced to see the Roman Prætor so well satisfied with his entertainment. The next morning Verres sent to the King to borrow some of his choicest vessels, and particularly the Jug, for the sake of showing them, as he pretended, to his own workmen; all which the King, having no suspicion of him, readily sent. But besides these vessels of domestic use, the King had brought with him a large Candlestick, or Branch for several lights, of inestimable value, all made of precious stones, and adorned with the richest jewels, which he had designed for an offering to Jupiter Capitolinus; but finding the repairs of the Capitol not finished, and no place yet ready for the reception of his offering, he resolved to carry it back without showing it to any body, that the beauty of it might be new and the more surprising, when it came to be first seen in that Temple. Verres having got intelligence

of this Candlestick, sent again to the King, to beg by all means that he would favor him with a sight of it, promising that he would not suffer any one else to see it. The king sent it presently by his servants, who after they had uncovered and shown it to Verres, expected to carry it back with them to the King; but Verres declared, that he could not sufficiently admire the beauty of the work, and must have more time to contemplate it; and obliged them therefore to go away and leave it with him. Several days passed, and the King heard nothing from Verres; so that he thought proper to remind him by a civil message of sending back the vessels: but Verres ordered the servants to call again some other time. In short, after a second message with no better success, the King was forced to speak to Verres himself: upon which Verres earnestly entreated him to make him a present of the Candlestick. The King affirmed it to be impossible, on the account of his vow to Jupiter, to which many nations were witnesses. Verres then began to drop some threats; but finding them of no more effect than his entreaties, he commanded the King to depart instantly out of his Province; declaring, that he had received intelligence of certain Pirates, who were coming from his Kingdom to invade Sicily. The poor King finding himself thus abused and robbed of his treasure, went into the great square of the City, and in a public assembly of the people, calling upon the Gods and men to bear testimony to the injury, made a solemn dedication to Jupiter of the Candle-

stick, which he had vowed and designed for the Capitol, and which Verres had forcibly taken from him".

When any vessel, richly laden, happened to arrive in the ports of Sicily, it was generally seized by his spies and informers, on pretence of it's coming from Spain, and being filled with Sertorius's soldiers: and when the Commanders exhibited their bills of lading, with a sample of their goods, to prove themselves to be fair traders, who came from different quarters of the world, some producing Tyrian purple, others Arabian spices, some jewels and precious stones, others Greek wines; and Asiatic slaves; the very proof, by which they hoped to save themselves, was their certain ruin: Verres declared their goods to have been acquired by piracy, and seizing the ships with their cargoes to his own use, committed the whole crew to prison, though the greatest part of them perhaps were Roman Citizens. There was a famous dungeon at Syracuse, called the *Latomiae*, of a vast and horrible depth, dug out of a solid rock, which having originally been a quarry of stone, was converted to a prison by Dionysius the Tyrant. Here Verres kept great numbers of Roman Citizens in chains, whom he had first injured to a degree that made it necessary to destroy them; whence few or none ever saw the light again, but were commonly strangled by his orders".

One Gavius however, a Roman Citizen of the Town of Cosa, happened to escape from this dreadful place, and run away to Messana; where

fancying himself out of danger, and being ready to embark for Italy, he began to talk of the injuries which he had received, and of going straight to Rome, where Verres should be sure to hear of him. But he might as well have said the words in the Prætor's Palace as at Messana; for he was presently seized and secured till Verres's arrival, who coming thither soon after, condemned him as a spy of the fugitives, first to be scourged in the market-place, and then nailed to a cross erected for the purpose on a conspicuous part of the shore, and looking towards Italy, that the poor wretch might have the additional misery of suffering that cruel death in sight as it were of his home".

The coasts of Sicily being much invested by Pirates, it was the custom of all Prætors to fit out a fleet every year, for the protection of it's trade and navigation. This fleet was provided by a contribution of the maritime Towns, each of which usually furnished a ship, with a certain number of men and provisions: but Verres for a valuable consideration sometimes remitted the ship, and always discharged as many of the men as were able to pay for it. A fleet however was equipped of seven ships; but for show rather than service, without their complement either of men or stores, and wholly unfit to act against an enemy; and the command of it was given by him, not to his Quæstor, or one of his Lieutenants, as it was usual, but to Cleomenes a Syracusian, whose wife was his mistress, that he might enjoy her company the more freely at home, while the husband was

employed abroad. For instead of spending the Summer, as other Governors used to do, in a progress through his province, he quitted the palace of Syracuse, and retired to a little Island adjoining to the City, to lodge in tents, or rich pavilions, pitched close by the fountain of Arethusa; where forbidding the approach of men or business, to disturb him, he passed two of the hot months in the company of his favorite women, in all the delicacy of pleasure that art and luxury could invent".

The fleet in the mean time sailed out of Syracuse in great pomp, and saluted Verres and his company as it passed; when the "Roman Prætor," says Cicero, "who had not been seen before for many days, showed himself at last to the sailors, standing on the shore in slippers, with a purple cloak and vest flowing down on his heels, and leaning on the shoulder of a girl, to view this formidable squadron": which, instead of scouring the seas, sailed no farther after several days, than into the port of Pachynus. Here, as they lay peacefully at anchor, they were surprised with an account of a number of Pirate Frigates, lying in another harbour very near to them: upon which the admiral Cleomenes cut his cables in a great fright, and with all the sail that he could make, fled away towards Pelorus, and escaped to land: the rest of the ships followed him as fast as they could; but two of them, which sailed the slowest, were taken by the Pirates, and one of the Captains killed: the other Captains quitted their ships, as

Cleomenes had done, and got safe to land. The Pirates finding the ships deserted, set fire to them all that evening, and the next day sailed boldly into the port of Syracuse, which reached into the very heart of the Town; where after they had satisfied their curiosity, and filled the City with a general terror, they sailed out again at leisure, and in good order, in a kind of triumph over Verres and the authority of Rome".

The news of a Roman fleet burnt, and Syracuse insulted by Pirates, made a great noise through all Sicily. The Captains, in excuse of themselves, were forced to tell the truth; that their ships were scandalously unprovided both with men and stores, and in no condition to face an enemy; each of them relating how many of their sailors had been discharged by Verres's particular orders, on whom the whole blame was justly laid. When this came to his ears, he sent for the Captains, and after threatening them very severely for talking in that manner, forced them to declare, and to testify it also in writing, that every one of their ships had it's full complement of all things necessary: but finding after all, that there was no way of stifling the clamor, and that it would necessarily reach to Rome, he resolved for the extenuation of his own crime to sacrifice the poor Captains, and put them all to death, except the Admiral Cleomenes, the most criminal of them all, and at his request the Commander also of his ship. In consequence of this resolution, the four remaining Captains, after fourteen days from the action, when they suspected

no danger, were arrested and clapt into irons. They were all young men of the principal families of Sicily, some of them the only sons of aged parents, who came presently in great consternation to Syracuse, to solicit the Praetor for their pardon. But Verres was inexorable; and having thrown them into his dungeon, where no body was suffered to speak with them, condemned them to lose their heads; whilst all the service that their unhappy parents could do for them, was to bribe the executioner to dispatch them with one stroke, instead of more, which he brutally refused to do, unless he was paid for it, and to purchase of Timarchides the liberty of giving them burial".

It happened however before this loss of the fleet, that a single Pirate ship was taken by Verres's Lieutenants, and brought into Syracuse, which proved to be a very rich prize, and had on board a great number of handsome young fellows. There was a band of musicians among them, whom Verres sent away to Rome a present to a friend; and the rest, who had either youth or beauty, or skill in any art, were distributed to his Clerks and dependents, to be kept for his use; but the few who were old and deformed, were committed to the dungeon and reserved for punishment". The Captain of these Pirates had long been a terror to the Sicilians; so that they were all eager to see his person, and to feed their eyes with his execution: but being rich, he found means to redeem his head, and was carefully kept out of sight, and conveyed to some private custody, till Verres could make

the best market of him. The people in the mean time grew impatient and clamorous for the death of the Pirates, whom all other Prætors used to execute as soon as taken; and knowing the number of them to be great, could not be satisfied with the few old and decrepit, whom Verres willingly sacrificed to their resentment. He took this opportunity therefore to clear the dungeon of those Roman Citizens, whom he had reserved for such an occasion, and now brought out to execution as a part of the Piratical crew; but to prevent the imprecations and cries, which Citizens used to make of their being free Romans, and to hinder their being known also to any other Citizens there present, he produced them all with their heads and faces so muffled up, that they could neither be heard or seen, and in that cruel manner destroyed great numbers of innocent men <sup>11</sup>. But to finish at last this whole story of Verres: After he had lived many years in a miserable exile, forgotten and deserted by all his friends, he is said to have been relieved by the generosity of Cicero <sup>12</sup>; yet was proscribed and murdered after all by Marc Anthony, for the sake of his fine statues and Corinthian vessels, which he refused to part with <sup>13</sup>: happy only, as Lactantius says, before his death, to have seen the more deplorable end of his old enemy and accuser Cicero <sup>14</sup>.

But neither the condemnation of this criminal, nor the concessions already made by the Senate, were able to pacify the discontents of the people: they demanded still, as loudly as ever, the resto-

ration of the Tribunician power, and the right of judicature to the Equestrian order; till after various contests and tumults, excited annually on that account by the Tribunes, they were gratified this year in them both; in the first by Pompey the Consul, in the second by L. Cotta the Prætor". The Tribunes were strenuously assisted in all this struggle by J. Cæsar", and as strenuously opposed by all who wished well to the tranquillity of the City: for long experience had shown, that they had always been, not only the chief disturbers of the public peace, by the abuse of their extravagant power; but the constant tools of all the ambitious, who had any designs of advancing themselves above the laws": for by corrupting one or more of the Tribunes, which they were sure to effect by paying their full price, they could either obtain from the people whatever they wanted, or obstruct at least whatever should be attempted against them; so that this act was generally disliked by the better sort, and gave a suspicion of no good intentions in Pompey; who to remove all jealousies against him on this, or any other account, voluntarily took an oath, that on the expiration of his Consulship he would accept no public command or government, but content himself with the condition of a private Senator".

Plutarch speaks of this act, as the effect of Pompey's gratitude to the people for the extraordinary honors which they had heaped upon him; but Cicero makes the best excuse for it after Pompey's death, which the thing itself would bear,

by observing, that a Statesman must always consider not only what is best, but what is necessary to the times; that Pompey well knew the impatience of the people; and that they would not bear the loss of the Tribunician power much longer; and it was the part therefore of a good Citizen, not to leave to a bad one the credit of doing what was too popular to be withheld<sup>101</sup>. But whatever were Pompey's views in the restitution of this power, whether he wanted the skill or the inclination to apply it to any bad purpose, it is certain, that he had cause to repent of it afterwards, when Cæsar, who had a better head with a worse heart, took the advantage of it to his ruin; and by the help of the Tribunes was supplied both with the power and the pretext for overturning the Republic<sup>102</sup>.

As to the other dispute, about restoring the right of judging to the Knights, it was thought the best way of correcting the insolence of the Nobles, to subject them to the judicature of an inferior order, who from a natural jealousy and envy towards them, would be sure to punish their oppressions with proper severity. It was ended however at last by a compromise, and a new law was prepared by common consent, to vest his power jointly in the Senators and the Knights; from each of which orders a certain number was to be drawn annually by lot, to sit in judgment together with the Prætor upon all causes<sup>103</sup>.

But for the more effectual cure of that general licence and corruption of morals, which had

infected all orders, another remedy was also provided this year, an election of Censors: it ought regularly to have been made every five years, but had now been intermitted from the time of Sylla for about seventeen. These Censors were the guardians of the discipline and manners of the City <sup>111</sup>, and had a power of punish vice and immorality by some mark of infamy in all ranks of men, from the highest to the lowest. The persons now chosen were L. Gellius and Cn. Lentulus; both of them mentioned by Cicero as his particular acquaintance, and the last as his intimate friend <sup>112</sup>. Their authority, after so long an intermission, was exercised with that severity which the libertinism of the times required; for they expelled above sixty-four from the Senate for notorious immoralities, the greatest part for the detestable practice of taking money for judging causes <sup>113</sup>, and among them C. Antonius, the uncle of the Triumvir, subscribing their reasons for it, that he had plundered the allies, declined a trial, mortgaged his lands, and was not master of his estate <sup>114</sup>: yet this very Antonius was elected *Ædile* and *Prætor* soon after in his proper course, and within six years advanced to the *Consulship*: which confirms what Cicero says of this Censorian animadversion, that it was become merely nominal, and had no other effect, than of putting a man to the blush <sup>115</sup>.

From the impeachment of Verres, Cicero entered upon the *Ædileship*, and in one of his speeches gives a short account of the duty of it: “I am “now chosen *Ædile*,” says he, “and am sensible

“ of what is committed to me by the Roman people : I am to exhibit with the greatest solemnity the most sacred sports to Ceres, Liber, and Libera; am to appease and conciliate the mother Flora to the people and city of Rome by the celebration of the public games; am to furnish out those ancient shows, the first which were called Roman, with all possible dignity and Religion, in honor of Jupiter, Juno, Minerva, am to take care also of all the sacred Edifices, and indeed of the whole City, &c. ”. The people were passionately fond of all these games and diversions; and the public allowance for them being but small, according to the frugality of the old Republic, the *Ædiles* supplied the rest at their own cost, and were often ruined by it. For every part of the Empire was ransacked for what was rare and curious to adorn the splendor of their shows; the Forum, in which they were exhibited, was usually beautified with porticoes built for the purpose, and filled with the choicest statues and pictures which Rome and Italy afforded. Cicero reproaches Appius for draining Greece and the Islands of all their furniture of this kind for the ornament of his *Ædileship* ”: and Verres is said to have supplied his friends Hortensius and Metellus with all the fine statues of which he had plundered the Provinces ”.

Several of the greatest men of Cicero's time had distinguished themselves by an extraordinary expense and magnificence in this magistracy; L. C. Sc. Scaurus, Lentulus, Hortensius ”, and

C. Antonius; who, though expelled so lately from the Senate, entertained the City this year with stage-plays, whose scenes were covered with silver; in which he was followed afterwards by Murena <sup>112</sup>; yet J. Cæsar outdid them all; and in the sports exhibited for his Father's Funeral, made the whole furniture of the Theatre of solid silver, so that wild beasts were then first seen to tread on that metal <sup>113</sup>; but the excess of his expense was but in proportion to the excess of his ambition; for the rest were only purchasing the Consulship, he the Empire. Cicero took the middle way, and observed the rule which he prescribed afterwards to his son, of an expense agreeable to his circumstances <sup>114</sup>; so as neither to hurt his character by a sordid illiberality, nor his fortunes by a vain ostentation of magnificence; since the one, by making a man odious, deprives him of the power of doing good; the other, by making him necessitous, puts him under the temptation of doing ill: thus Mamercus, by declining the ædileship through frugality, lost the Consulship <sup>115</sup>; and Cæsar, by his prodigality, was forced to repair his own ruin by ruining the Republic.

But Cicero's popularity was built on a more solid foundation, the affection of his Citizens, from a sense of his merit and services; yet in compliance with the custom and humor of the City, he furnished the three solemn shows above-mentioned, to the entire satisfaction of the people: an expense which he calls little, in respect of the great honors which he had received from them <sup>116</sup>.

The

The Sicilians, during his Aedileship, gave him effectual proofs of their gratitude, by supplying him largely with all manner of provisions, which their island afforded, for the use of his table and the public feasts, which he was obliged to provide in this magistracy: but instead of making any private advantage of their liberality, he applied the whole to the benefit of the poor; and by the help of this extraordinary supply contrived to reduce the price of victuals in the Markets <sup>11</sup>.

Hortensius was one of the Consuls of this year; which produced nothing memorable but the dedication of the Capitol by Q. Lutatius Catulus. It had been burnt down in Sylla's time; who undertook the care of rebuilding it, but did not live to see it finished; which he lamented in his last illness, as the only thing wanting to complete his felicity <sup>12</sup>. By his death that charge fell to Catulus, as being Consul at the time, who dedicated it this summer with great pomp and solemnity, and had the honor to have his name inscribed on the front <sup>13</sup>.

On the occasion of this Festival, he is said to have introduced some instances of luxury not known before in Rome, of covering the area, in which the people sat, with a purple veil imitating the color of the sky, and defending from the injuries of it; and of gilding the tiles of this noble fabric, which were made of copper: for though the cielings of Temples had before been sometimes gilt, yet this was the first use of gold on the outside of any building <sup>14</sup>. Thus the

Capitol, like all ancient structures, rose the more beautiful from its ruins; which gave Cicero an opportunity of paying a particular compliment to Catulus in Verres's trial, where he was one of the Judges: for Verres having intercepted, as it is said above, the rich Candlestick of King Antiochus, which was designed for the Capitol, Cicero after he had charged him with it, takes occasion to say. "I address myself here to you, Catulus, for I am speaking of your noble and beautiful monument: it is your part to show not only the severity of a judge, but the animosity of an accuser. Your honor is united with that of this Temple, and, by the favor of the Senate and people of Rome, your name is consecrated with it to all posterity: it must be your care therefore that the Capitol, as it is now restored more splendidly, may be furnished also more richly than it was before: as if the fire had been sent on purpose from heaven, not to destroy the Temple of Jupiter, but to require from us one more shining and magnificent than the former . . . ."

In this year Cicero is supposed to have defended Fonteius and Cæcina. Fonteius had been *Prætor* of the Narbonese Gaul for three years, and was afterwards accused by the people of the Province and one of their Princes, Induciomarus, of great oppression and exactions in his government, and especially of imposing an arbitrary tax on the exportation of their wines. There were two hearings in the cause, yet but one speech of Cicero's

remaining, and that so imperfect, that we can hardly form a judgment either of the merit, or the issue of it. Cicero allows the charge of the wines to be a heavy one, if true<sup>111</sup>; and by his method of defence one would suspect it to be so, since his pains are chiefly employed in exciting an aversion to the accusers, and a compassion to the criminal. For, to destroy the credit of the witnesses, he represents the whole nation, “as a “drunken, impious, faithless people, natural “enemies to all religion, without any notion of “the sanctity of an oath, and polluting the altars “of their Gods with human sacrifices: and what “faith, what piety,” says he, “can you imagine to “be in those, who think that the Gods are to be “appeased by cruelty and human blood<sup>112</sup>?” And to raise at last the pity of the Judges, he urges in a pathetic peroration, the intercession and tears of Fonteius's sister, one of the Vestal virgins, who was then present; opposing, the piety and prayers of this holy suppliant, to the barbarity and perjuries of the impious Gauls; and admonishing the Bench of the danger and arrogance of slighting the suit of one, whose petitions, if the Gods should reject, they themselves must all be undone, &c.<sup>113</sup>.

The cause of Cæcina was about the right of succession to a private estate, which depended on a subtle point of law<sup>114</sup>, arising from the interpretation of the Prætor's interdict: it shows however, his exact knowledge and skill in the civil law, and that his public character and employ-

ment gave no interruption to his usual diligence in pleading causes.

After the expiration of his *Ædileship* he lost his Cousin *Lucius Cicero*, the late companion of his journey to Sicily; whose death he laments with all the marks of a tender affection, in the following letter to *Atticus*.

" You, who of all men know me the best, will  
" easily conceive how much I have been afflicted,  
" and what a loss I have sustained both in my  
" public and domestic life: for in him I had every  
" thing which could be agreeable to a man, from  
" the obliging temper and behaviour of another.  
" I make no doubt therefore, but that you also  
" are affected with it, not only for the share  
" which you bear in my grief, but for your own  
" loss of a relation and a friend, accomplished  
" with every virtue; who loved you, as well  
" from his own inclination, as of what he used  
" to hear of you from me, &c. \*\*\*."

What made his kinsman's death the more unlucky to him at this juncture was the want of his help in making interest for the *Prætorship*, for which he now offered himself a candidate, after the usual interval of two years <sup>""</sup>, from the time of his being chosen *Ædile*: but the City was in such a ferment all this summer, that there was like to be no election at all: the occasion of it arose from the publication of some new laws, which were utterly disliked and fiercely opposed by the Senate. The first of them was proposed in favor of Pompey, by A. Gabinius, one of the Tribunes, as a testimony

of their gratitude, and the first fruits as it were of that power which he had restored to them. It was to grant him an extraordinary commission for quelling the Pirates, who infested the coasts and navigation of the Mediterranean, to the disgrace of the Empire, and the ruin of all commerce <sup>112</sup>; by which an absolute command was conferred upon him through all the Provinces bordering on that sea, as far as fifty miles within land. These Pirates were grown so strong, and so audacious, that they had taken several Roman Magistrates and Ambassadors prisoners, made some successful descents on Italy itself, and burnt the navy of Rome in the very port of Ostia <sup>113</sup>. Yet the grant of a power so exorbitant and unknown to the laws was strenuously opposed by Catulus, Hortensius, and all the other chiefs of the Senate, as dangerous to the public liberty, nor fit to be intrusted to any single person: they alledged, "That these unusual grants were the cause of all the misery that the Republic had suffered from the Proscriptions of Marius and Sylla, who, by a perpetual succession of extraordinary commands, were made too great to be controled by the authority of the laws; that though the same abuse of power was not to be apprehended from Pompey, yet the thing itself was pernicious, and contrary to the constitution of Rome; that the equality of a Democracy required, that the public honors should be shared alike by all who were worthy of them; that there was no other way to make men worthy, and to furnish the City with a

“ number and choice of experienced commanders ;  
“ and if , as it was said by some , there were  
“ really none at that time fit to command but  
“ Pompey , the true reason was , because they  
“ would suffer none to command but Pompey ” ” .  
All the friends of Lucullus were particularly active  
in the opposition ; apprehending , that this new  
commission would encroach upon his Province  
and command in the Mithridatic war : so that  
Gabinius , to turn the popular clamor on that side ,  
got a plan of the magnificent Palace , which  
Lucullus was building , painted upon a banner ,  
and carried about the streets by his mob ; to  
intimate , that he was making all that expense out  
of the spoils of the Republic ” ” .

Catulus , in speaking to the people against this  
law , demanded of them , “ If every thing must  
needs be committed to Pompey , what they would  
do if any accident should befall him ? ” Upon which ,  
as Cicero says , he reaped the just fruit of his  
virtue , when they all cried out with one voice ,  
that their dependence would then be upon him ” ” .  
Pompey himself , who was naturally a great  
dissembrler , affected not only an indifference , but  
a dislike to the employment , and begged of the  
people to confer it on some body else ; and after  
all the fatigues which he had undergone in their  
service , to give him leave to retire to the care of his  
domestic affairs , and spare him the trouble and  
odium of so invidious a commission ” ” . But this  
seeming self-denial gave a handle only to his friends  
to extol his modesty and integrity the more

effectually ; and since there had been a precedent for the law a few years before , in favor of a man much inferior both in merit and interest , M. Antonius <sup>11</sup> , it was carried against the united authority of all the Magistrates , but with the general inclination of the people : when from the greatest scarcity of provisions which had been known for a long time in Rome , the credit of Pompey's name sunk the price of them at once , as if plenty had been actually restored <sup>12</sup> . But though the Senate could not hinder the law , yet they had their revenge on Gabinius , the author of it , by preventing his being chosen one of Pompey's Lieutenants , which was what he chiefly aimed at , and what Pompey himself solicited <sup>13</sup> : though Pompey probably made him amends for it in some other way ; since , as Cicero says , he was so necessitous at this time , and so profligate , that , if he had not carried his law , he must have turned Pirate himself <sup>14</sup> . Pompey had a fleet of five hundred sail allowed for this expedition , with twenty four Lieutenants chosen out of the Senate <sup>15</sup> ; whom he distributed so skilfully through the several stations of the Mediterranean , that in less than fifty days he drove the Pirates out of all their lurking holes , and in four months put an end to the whole war : for he did not prepare for it till the end of winter , set out upon it in the beginning of spring , and finished it in the middle of summer <sup>16</sup> .

A second law was published by L. Otho , for the assignment of distinct seats in the Theatres to the Equestrian order , who used before to sit

promiscuously with the populace: but by this law fourteen rows of benches, next to those of the Senators, were to be appropriated to their use; by which he secured to them, as Cicero says, both their dignity and their pleasure <sup>11</sup>. The Senate obtained the same privilege of separate seats about a hundred years before, in the Consulship of Scipio Africanus, which highly disgusted the people, and gave occasion, says Livy, as all innovations are apt to do, to much debate and censure; for many of the wiser sort condemned all such distinctions in a free City, as dangerous to the public peace: and Scipio himself afterwards repented, and blamed himself for suffering it <sup>12</sup>. Otho's law, we may imagine, gave still greater offence, as it was a greater affront to the people, to be removed yet farther from what of all things they were fondest of, the sight of plays and shows: it was carried however by the authority of the Tribune, and is frequently referred to by the Clasic writers, as an act very memorable, and <sup>13</sup> what made much noise in it's time.

C. Cornelius also, another Tribune, was pushing forward a third law, of a graver kind, to prohibit bribery in elections by the sanction of the severest penalties: the rigor of it highly displeased the Senate, whose warm opposition raised great disorders in the City, so that all other business was interrupted, the elections of magistrates adjourned, and the Consuls forced to have a guard. The matter however, was compounded, by moderating the severity of the penalties in a new law offered by the

Consuls, which was accepted by Cornelius, and enacted in proper form under the title of the Calpurnian law, from the name of the Consul C. Calpurnius Piso <sup>111</sup>. Cicero speaks of it still as rigorously drawn <sup>111</sup>, for besides a pecuniary fine, it rendered the guilty incapable of any public office or place in the Senate. This Cornelius seems to have been a brave and honest Tribune, though somewhat too fierce and impetuous in asserting the rights of the Citizens; he published another law, to prohibit any man's being absolved from the obligation of the laws, except by the authority of the people; which, though a part of the old constitution, had long been usurped by the Senate, who dispensed with the laws by their own decrees, and those often made clandestinely, when a few only were privy to them. The Senate being resolved not to part with so valuable a privilege, prevailed with another Tribune to inhibit the publication of it, when it came to be read; upon which Cornelius took the book from the Clerk, and read it himself. This was irregular, and much inveighed against, as a violation of the rights of the Tribune; so that Cornelius was once more forced to compound the matter by a milder law, forbidding the Senate to pass any such decrees, unless when two hundred Senators were present <sup>111</sup>. These disturbances however proved the occasion of an unexpected honor to Cicero, by giving him a more ample and public testimony of the people's affection; for in three different assemblies convened for the choice of Praetors, two of which were dissolved

without effect, he was declared every time the first Prætor, by the suffrages of all the Centuries <sup>146</sup>.

The Prætor was a magistrate next in dignity to the Consuls, created originally as a colleague or assistant to them in the administration of Justice, and to supply their place also in absence <sup>147</sup>. At first there was but one; but as the dominion and affairs of the Republic increased, so the number of Prætors was gradually enlarged from one to eight. They were chosen not as the inferior magistrates, by the people voting in their Tribes, but in their Centuries as the Consuls and Censors also were. In the first method, the majority of votes in each Tribe determined the general vote of the Tribe, and a majority of Tribes determined the election, in which the meanest citizen had as good a vote as the best: but in the second the balance of power was thrown into the hands of the better sort, by a wise contrivance of one of their Kings, Servius Tullius; who divided the whole body of the Citizens into a hundred and ninety three Centuries, according to a Census or valuation of their estates; and then reduced these Centuries into six Classes according to the same rule, assigning to the first or richest Class ninety seven of these Centuries, or a majority of the whole number: so that if the Centuries of the first Class agreed, the affair was over, and the votes of all the rest insignificant <sup>148</sup>.

The business of the Prætors was to preside and judge in all causes, especially of a public or criminal kind, where their several jurisdictions were assigned to them by lot <sup>149</sup>; and it fell to Cicero's to sit upon

actions of extortion and rapine, brought against Magistrates and "Governors of Provinces"'. in which , he tells us himself , he had acted as an accuser, sat as a judge, and presided as Prætor''''. In this office he acquired a great reputation of integrity by the condemnation of Licinius Macer , a person of Prætorian dignity and great eloquence, who would have made an eminent figure at the Bar, if his abilities had not been sullied by the infamy of a vicious life''''. "This man , as Plutarch relates it , " depending upon his interest , and the influence of " Crassus , who supported him with all his power , " was so confident of being acquitted , that without " waiting for a sentence , he went home to dress " himself , and , as if already absolved , was " returning towards the Court in a white gown ; " but being met on his way by Crassus , and in- " formed that he was condemned by the unani- " mous suffrage of the Bench , he took to his bed , " and died immediately." The story is told differently by other writers : " That Macer was " actually in the Court expecting the issue ; but " perceiving Cicero ready to give judgment " against him , he sent one to let him know that " he was dead , and stopping his breath at the " same time with a handkerchief , instantly ex- " pired ; so that Cicero did not proceed to sen- " tence , by which Macer's estate was saved to his " son Licinius Calvus , an orator afterwards of " the first merit and eminence''''. But from Cicero's own account it appears , that after treating Macer in the trial with great candor and equity ,

he actually condemned him with the universal approbation of the people ; and did himself much more honor and service by it , than he could have reaped, he says , by Macer's friendship and interest, if he had acquitted him " .

Manilius , one of the new Tribunes , no sooner entered into his office , than he raised a fresh disturbance in the City , by the promulgation of a law for granting to slaves set free a right of voting among the Tribes ; which gave so much scandal to all , and was so vigorously opposed by the Senate , that he was presently obliged to drop it " : but being always venal , as Velleius says , and the tool of other men's power , that he might recover his credit with the people , and engage the favor of Pompey , he proposed a second law , that Pompey , who was then in Cilicia extinguishing the remains of the Piratic war , should have the government of Asia added to his commission , with the command of the Mithridatic war , and of all the Roman armies in those parts " . It was about eight years since Lucullus was first sent to that war , in which , by a series of many great and glorious acts , he had acquired reputation both of courage and conduct , equal to that of the greatest Generals : he had driven Mithridates out of his kingdom of Pontus , and gained several memorable victories against him , though supported by the whole force of Tigranes , the most potent Prince of Asia ; till his army , harassed by perpetual fatigues , and debauched by his factious officers , particularly by his brother-in-law young Clodius " , began to grow impatient

of his discipline, and to demand their discharge. Their disaffection was still increased by the unlucky defeat of one of his Lieutenants, Triarius; who, in a rash engagement with Mithridates, was destroyed with the loss of his camp, and the best of his troops: so that as soon as they heard that Glabrio, the Consul of the last year, was appointed to succeed him, and actually arrived in Asia, they broke out into an open mutiny, and refused to follow him any farther, declaring themselves to be no longer his soldiers: but Glabrio, upon the news of these disorders, having no inclination to enter upon so troublesome a command, chose to stop short in Bithynia, without ever going to the army <sup>11</sup>.

This mutinous spirit in Lucullus's troops, and the loss of his authority with them, which Glabrio was still less qualified to sustain, gave a reasonable pretext to Manilius's law; and Pompey's success against the Pirates, and his being upon the spot with a great army, made it likewise the more plausible: so that after a sharp contest and opposition from some of the best and greatest of the Senate, the Tribune carried his point, and got the law confirmed by the people. Cicero supported it with all his eloquence, in a speech from the Rostra, which he had never mounted till this occasion: where, in displaying the character of Pompey, he draws the picture of a consummate General, with all the strength and beauty of colors, which words can give. He was now in the career of his fortunes, and in sight as it were of the

Consulship, the grand object of his ambition; so that his conduct was suspected to flow from an interested view of facilitating his own advancement, by paying this court to Pompey's power: but the reasons already intimated, and Pompey's singular character of modesty and abstinence, joined to the superiority of his military fame, might probably convince him, that it was not only safe, but necessary at this time, to commit a war, which no body else could finish, to such a General; and a power, which no body else ought to be intrusted with, to such a man. This he himself solemnly affirms in the conclusion of his speech: "I call the Gods to witness, "says he, "and especially those who preside over this Temple, and inspect the minds of all who administer the public affairs, that I neither do this at the desire of any one, nor to conciliate Pompey's favor, nor to procure from any man's greatness, either a support in dangers, or assistance in honors: for as to dangers I shall repel them as a man ought to do, by the protection of my innocence; and for honors, I shall obtain them, not from any single man, nor from this place, but from my usual laborious course of life, and the continuance of your favor. Whatever pains therefore I have taken in this cause, I have taken it all, I assure you, for the sake of the Republic; and so far from serving any interest of my own by it, have gained the ill will and enmity of many, partly secret, partly declared; unnecessary to myself, yet not useless perhaps to you: but

" after so many favors received from you, and  
" this very honor which I now enjoy, I have  
" made it my resolution, Citizens, to prefer your  
" will, the dignity of the Republic, and the  
" safety of the Provinces, to all my own interests  
" and advantages whatsoever <sup>159</sup>."

J. Cæsar also was a zealous promoter of this law; but from a different motive than the love either of Pompey, or the Republic: his design was, to recommend himself by it to the people, whose favor, he foresaw, would be of more use to him than the Senate's, and to cast a fresh load of envy on Pompey, which, by some accident, might be improved afterwards to his hurt; but his chief view was to make the precedent familiar, that, whatever use Pompey might make of it, he himself might one day make a bad one <sup>160</sup>. For this is the common effect of breaking through the barrier of the laws, by which many states have been ruined; when, from a confidence in the abilities and integrity of some eminent Citizen, they invest him, on pressing occasions, with extraordinary powers, for the common benefit and defence of the society: for though power so intrusted may in particular cases be of singular service, and sometimes even necessary; yet the example is always dangerous, furnishing a perpetual pretence to the ambitious and ill designing, to grasp at every prerogative which had been granted at any time to the virtuous, till the same power, which would save a country in good hands, oppresses it at last in bad.

Though Cicero had now full employment as Prætor, both in the affairs of state and public trials: yet he found time still to act the Advocate, as well as the Judge, and not only to hear causes in his own Tribunal, but to plead them also at the Tribunals of the other Prætors. He now defended A. Cluentius, a Roman Knight of splendid family and fortunes, accused before the Prætor Q. Naso, of poisoning his father in law Oppianicus, who a few years before had been tried and banished for an attempt to poison Cluentius. The oration, which is extant, lays open a scene of such complicated villainy, by poisons, murder, incest, suborning witnesses, corrupting judges, as the Poets themselves have never feigned in any one family; all contrived by the mother of Cluentius against the life and fortunes of her son: "But what a mother!" says Cicero; "one, who is hurried blindfold by the most cruel and brutal passions; whose lust no sense, of shame restrains; who by the viciousness of her mind perverts all the laws of men to the worst ends; who acts with such folly, that none can take her for a human creature; with such violence, that none can imagine her to be a woman; with such cruelty, that none can conceive her to be a mother; one, who has confounded not only the name and the rights of nature, but all the relations of it too: the wife of her son in law! the stepmother of her son! the invader of her daughter's bed! in short, who has nothing left in her of the human species, but the mere form."

He

He is supposed to have defended several other criminals this year, though the pleadings are now lost, and particularly M. Fundanius; but what gives the most remarkable proof of his industry, is, that during his Praetorship, as some of the ancient writers tell us, though he was in full practice and exercise of speaking, yet he frequented the school of a celebrated Rhetorician, Gniphon<sup>11</sup>. We cannot suppose that his design was to learn any thing new, but to preserve and confirm that perfection which he had already acquired, and prevent any ill habit from growing insensibly upon him, by exercising himself under the observation of so judicious a master. But his chief view certainly was, to give some countenance and encouragement to Gniphon himself, as well as to the art which he professed; and by the presence and authority of one of the first Magistrates of Rome, to inspire the young Nobles with an ambition to excel in it.

When his Magistracy was just at an end, Manilius, whose Tribune expiring a few days before, was accused before him of rapine and extortion: and though ten days were always allowed to the criminal to prepare for his defence, he appointed the very next day for the trial. This startled and offended the Citizens, who generally favored Manilius, and looked upon the prosecution as the effect of malice and resentment on the part of the Senate, for his law in favor of Pompey. The Tribunes therefore called Cicero to an account before the people, for treating Manilius

so roughly; who in defence of himself said, "That as it had been his practice to treat all criminals with humanity, so he had no design of acting otherwise with Manilius, but on the contrary had appointed that short day for the trial, because it was the only one of which he was master; and that it was not the part of those, who wished well to Manilius, to throw off the cause to another Judge." This made a wonderful change in the minds of the audience, who applauding his conduct, desired then that he would undertake the defence of Manilius, to which he consented; and stepping up again into the Rostra, laid open the source of the whole affair, with many severe reflections upon the enemies of Pompey ". The trial however was dropt, on account of the tumults which arose immediately after in the City, from some new incidents of much greater importance.

At the Consular election, which was held this summer, P. Autronius Pætus and P. Cornelius Sylla were declared Consuls; but their election was no sooner published, than they were accused of bribery and corruption by the Calpurnian law, and being brought to trial, and found guilty before their entrance into office, forfeited the Consulship to their accusers and competitors, L. Manlius Torquatus and L. Aurelius Cotta. Catiline also, who from his Prætorship had obtained the Province of Africa, came to Rome this year to appear a candidate at the election, but being accused of extortion and rapine in that

government, was not permitted by the Consuls to pursue his pretensions<sup>11</sup>.

This disgrace of men so powerful and desperate engaged them presently in a conspiracy against the State, in which it was resolved to kill the new Consuls, with several others of the Senate, and share the government among themselves: but the effect of it was prevented by some information given of the design, which was too precipitately laid to be ripe for execution. Cn. Piso, an audacious, needy, factious young nobleman, was privy to it<sup>12</sup>; and, as Suetonius says, two more of much greater weight, M. Crassus and J. Cæsar; the first of whom was to be created Dictator, the second his Master of the Horse: but Crassus's heart failing him, either through fear or repentance, he did not appear at the appointed time, so that Cæsar would not give the signal agreed upon, of letting his robe drop from his shoulder<sup>13</sup>. The Senate was particularly jealous of Piso, and hoping to cure his disaffection by making him easy in his fortunes, or to remove him at least from the cabals of his associates, gave him the government of Spain, at the instance of Crassus, who strenuously supported him as a determined enemy to Pompey. But before his setting out, Cæsar and he are said to have entered into a new and separate engagement, that the one should begin some disturbance abroad, while the other was to prepare and inflame matters at home: but this plot also was defeated by the unexpected death of Piso; who was assassinated by the

Spaniards, as some say, for his cruelty, or, as others, by Pompey's clients, and at the instigation of Pompey himself <sup>10</sup>.

Cicero, at the expiration of his Prætorship, would not accept any foreign Province <sup>11</sup>, the usual reward of that Magistracy, and the chief fruit which the generality proposed from it. He had no particular love for money, nor genius for arms, so that those governments had no charms for him: the glory which he pursued was to shine in the eyes of the City, as the Guardian of it's laws, and to teach the Magistrates how to execute, the Citizens how to obey them. But he was now preparing to sue for the Consulship, the great object of all his hopes; and his whole attention was employed how to obtain it in his proper year, and without a repulse. There were two years necessarily to intervene between the Prætorship and Consulship: the first of which was usually spent in forming a general interest, and soliciting for it as it were in a private manner; the second in suing for it openly, in the proper form and habit of a candidate. The affection of the City, so signally declared for him in all the inferior steps of honor, gave him a strong presumption of success in his present pretensions to the highest: but as he had reason to apprehend a great opposition from the Nobility, who looked upon the public dignities as a kind of birth-right, and could not brook their being intercepted and snatched from them by new men <sup>12</sup>; so he resolved to put it out of their power to hurt him, by omitting

no pains which could be required of a candidate, of visiting and soliciting all the Citizens in person. At the election therefore of the Tribunes on the sixteenth of July, where the whole City was assembled in the field of Mars, he chose to make his first effort, and to mix himself with the crowd, on purpose to caress and salute them familiarly by name; and as soon as there was any vacation in the Forum, which happened usually in August, he intended to make an excursion into the Cisalpine Gaul, and in the character of a Lieutenant to Piso, the Governor of it, to visit the Towns and Colonies of that Province, which was reckoned very strong in the number of it's votes, and so return to Rome in January following". While he was thus employed in suing for the Consulship, L. Cotta, a remarkable lover of wine, was one of the Censors, which gave occasion to one of Cicero's jokes, that Plutarch has transmitted to us, that happening one day to be dry with the fatigue of his task, he called for a glass of water to quench his thirst; and when his friends stood close around him as he was drinking, " You do well," says he, " to cover me, lest Cotta should censure me for drinking water".

He wrote about the same time to Atticus, then at Athens, to desire him to engage all that band of Pompey's dependents, who were serving under him in the Mithridatic war, and by way of jest bids him tell Pompey himself, that he would not take it ill of him, if he did not come in person to his election". Atticus spent many

years in this residence at Athens, which gave Cicero an opportunity of employing him to buy a great number of statues for the ornament of his several Villas, especially that at Tusculum, in which he took the greatest pleasure <sup>17</sup>, for it's delightful situation in the neighbourhood of Rome, and the convenience of an easy retreat from the hurry and fatigues of the City: here he had built several rooms and galleries, in imitation of the Schools and Porticoes of Athens, which he called likewise by their Attic names of the Academy and Gymnasium, and designed for the same use of Philosophical conferences with his learned friends. He had given Atticus a general commission to purchase for him any piece of Grecian art or sculpture, which was elegant and curious, especially of the literary kind, or proper for the furniture of his Academy <sup>18</sup>; which Atticus executed to his great satisfaction, and sent him at different times several cargoes of statues, which arrived safe at the port of Cajeta, near to his Formian Villa <sup>19</sup>; and pleased him always so well, both in the choice and the price of them, that upon the receipt of each parcel he still renewed his orders for more.

“ I have paid, “ says he, “ a hundred and sixty  
“ four pounds, as you ordered, to your agent  
“ Cincius, for the Megaric statues. The Mercuries  
“ which you mentioned, of Pentelician marble with  
“ brazen heads, give me already great pleasure:  
“ Wherefore I would have you send me as many  
“ of them as you can, and as soon as possible,

“ with any other statues and ornaments which  
“ you think proper for the place, and in my taste,  
“ and good enough to please yours; but above  
“ all, such as will suit my Gymnasium and Portico;  
“ for I am grown so fond of all things of that  
“ kind, that though others probably may blame  
“ me, yet I depend on you to assist me ” ”

Of all the pieces which Atticus sent, he seems to have been the most pleased with a sort of compound emblematical figures, representing Mercury and Minerva, or Mercury and Hercules jointly upon one base, called Hermathenæ and Hermeraclæ: for Hercules being the proper Deity of the Gymnasium, Minerva of the Academy, and Mercury common to both, they exactly suited the purpose for which he desired them ” ”. But he was so intent on embellishing this Tuscan Villa with all sorts of Grecian work, that he sent over to Atticus the plans of his ceilings, which were of Stucco-work, in order to bespeak pieces of sculpture or painting to be inserted in the compartments; with the covers of two of his wells or fountains, which according to the custom of those times they used to form after some elegant pattern, and adorn with figures in relief ” ”.

Nor was he less eager in making a collection of Greek books, and forming a library, by the same opportunity of Atticus's help. This was Atticus's own passion, who having free access to all the libraries of Athens, was employing his slaves in copying the works of their best writers, not only for his own use, but for sale also, and the common

profit both of the slave and the master: for Atticus was remarkable above all men of his rank for a family of learned slaves, having scarce a foot-boy in his house, who was not trained both to read and write for him<sup>11</sup>. By this advantage he had made a very large collection of choice and curious books, and signified to Cicero his design of selling them; yet seems to have intimated withal, that he expected a larger sum for them than Cicero would easily spare; which gave occasion to Cicero to beg of him in several letters to reserve the whole number for him, till he could raise money enough for the purchase.

“ Pray keep your books, “ says he, ” for me, “ and do not despair of my being able to make “ them mine; which if I can compass, I shall “ think myself richer than Crassus, and despise “ the fine Villas and Gardens of them all<sup>12</sup>. ” Again: “ Take care that you do not part with “ your library to any man, how eager soever “ he may be to buy it; for I am setting apart “ all my little rents to purchase that relief for “ my old age<sup>13</sup>. ” In a third letter, he says, “ That he had placed all his hopes of comfort “ and pleasure, whenever he should retire from “ business, on Atticus’s reserving these books “ for him<sup>14</sup>. ”

But to return to the affairs of the City, Cicero was now engaged in the defence of C. Cornelius, who was accused and tried for practices against the state in his late Tribune, before the Praetor Q. Gallius. This trial, which lasted four days, was

one of the most important in which he had ever been concerned: the two Consuls presided in it; and all the chiefs of the Senate, Q. Catulus, L. Lucullus, Hortensius, &c. appeared as witnesses against the criminal <sup>111</sup>; whom Cicero defended, as Quintilian says, not only with strong, but shining arms, and with a force of eloquence, that drew acclamations from the people <sup>111</sup>. He published two Orations spoken in this cause, whose loss is a public detriment to the literary world, since they were reckoned among the most finished of his compositions: he himself refers to them as such <sup>111</sup>; and the old Critics have drawn many examples from them of that genuine eloquence, which extorts applause and excites admiration.

C. Papius, one of the Tribunes, published a law this year to oblige all strangers to quit the City as one of his predecessors, Pennus, had done likewise many years before him. The reason, which they alledged for it, was the confusion occasioned by the multitude and insolence of foreigners, who assumed the habit and usurped the rights of Citizens: but Cicero condemns all these laws as cruel and inhospitable, and a violation of the laws of nature and humanity <sup>111</sup>.

Catiline was now brought to a trial for his oppression in Africa; he had been soliciting Cicero to undertake his defence; who at one time was much inclined, or determined rather to do it, for the sake of obliging the Nobles, especially Cæsar and Crassus, or of making Catilina at least his friend, as he signifies in a letter to Atticus: “ <sup>111</sup>

“ design,” says he, “at present to defend my competitor Catiline: We have judges to our mind, “ yet such as the accuser himself is pleased with: “ I hope, if he be acquitted, that he will be the “ more ready to serve me in our common petition; but if it fall out otherwise, I shall bear it “ with patience. It is of great importance to me “ to have you here as soon as possible: for there is “ a general persuasion, that certain Nobles of your “ acquaintance will be against me; and you, I “ know, could be of the greatest service in gaining them over ”.” But Cicero changed his mind, and did not defend him ”; upon a nearer view perhaps of his designs and traitorous practices; to which he seems to allude, when describing the art and dissimulation of Catiline, he declares, “ that he himself was once almost deceived by him, so as to take him for a good Citizen, a lover of honest men, a firm and faithful friend, &c. ”.” But it is not strange, that a candidate for the Consulship, in the career of his ambition, should think of defending a man of the first rank and interest in the City, when all the Consular Senators, and even the Consul himself, Torquatus, appeared with him at the trial, and gave testimony in his favor. Whom Cicero excused, when they were afterwards reproached with it, by observing, that they had no notion of his treasons, nor suspicion at that time of his conspiracy; but out of mere humanity and compassion defended a friend in distress, and in that crisis of his danger overlooked the infamy of his life ”.

His prosecutor was P. Clodius, a young Noble-

man as profligate as himself; so that it was not difficult to make up matters with such an accuser, who for a sum of money agreed to betray the cause, and suffer him to escape <sup>11</sup>: which gave occasion to what Cicero said afterwards in a speech against him in the Senate, while they were suing together for the Consulship: "Wretch! not to see that thou art not acquitted, but reserved only to a severer trial and heavier punishment <sup>12</sup>." It was in this year, as Cicero tells us, under the Consuls Cotta and Torquatus, that those prodigies happened, which were interpreted to portend the great dangers and plots, that were now hatching against the State, and broke out two years after, in Cicero's Consulship; when the turrets of the Capitol, the statues of the Gods, and the brazen image of the infant Romulus fucking the wolf, were struck down by lightning <sup>13</sup>.

Cicero being now in his forty-third year, the proper age required by law <sup>14</sup>, declared himself a candidate for the Consulship along with six competitors, P. Sulpicius Galba, L. Sergius Catilina, C. Antonius, L. Cassius Longinus, Q. Cornificius, C. Licinius Sacerdos. The two first were Patri-cians, the two next Plebeians, yet noble; the two last the sons of fathers who had first imported the public honors into their families: Cicero was the only new man among them, or one born of Equestrian rank <sup>15</sup>. Galba and Cornificius were persons of great virtue and merit; Sacerdos without any particular blemish upon him; Cassius lazy and weak, but not thought so wicked as he soon after appeared

to be; Antonius and Catilina, though infamous in their lives and characters, yet by intrigue and faction, had acquired a powerful interest in the City joined all their forces against Cicero, as their most formidable antagonist, in which they were vigorously supported by Crassus and Cæsar <sup>115</sup>.

This was the state of the competition; in which the practice of bribing was carried on so openly and shamefully by Antonius and Catiline, that the Senate thought it necessary to give some check to it by a new and more rigorous law; but when they were proceeding to publish it, L. Mucius Orestinus, one of the Tribunes, put his negative upon them. This Tribune had been Cicero's client, and defended by him in an impeachment of plunder and robbery; but having now sold himself to his enemies, made it the subject of all his harangues to ridicule his birth and character, as unworthy of the Consulship; in the debate therefore which arose in the Senate upon the merit of his negative, Cicero, provoked to find so desperate a confederacy against him, rose up, and after some raillery and expostulation with Mucius, made a most severe invective on the flagitious lives and practices of his two competitors, in a speech usually called in Toga candida, because it was delivered in a white Gown, the proper habit of all Candidates, and from which the name itself was derived <sup>116</sup>.

Though he had now business enough upon his hands to engage his whole attention, yet we find him employed in the defence of Q. Gallius, the Praetor of the last year, accused of corrupt practices

in procuring that magistracy. Gallius, it seems, when chosen *Ædile*, had disgusted the people by not providing any wild beasts for their entertainment in his public shows; so that to put them into good humor when he stood for the *Prætorship*, he entertained them with *Gladiators*, on pretence of giving them in honor of his deceased father". This was his crime, of which he was accused by M. Callidius, whose father had been impeached before by Gallius. Callidius was one of the most eloquent and accurate speakers of his time, of an easy, flowing, copious style, always delighting, though seldom warming his audience; which was the only thing wanting to make him a Complete Orator. Besides the public crime just mentioned, he charged Gallius with a private one against himself, a design to poison him; of which he pretended to have manifest proofs, as well from the testimony of witnesses, as of his own hand and letters: but he told his story with so much temper and indolence, that Cicero, from his coldness in opening a fact so interesting, and where his life had been attempted, formed an argument to prove that it could not be true. "How is it possible," says he, Callidius, for "you to plead in such a manner, if you did not " know the thing to be forged? How could you, " who act with such force of eloquence in other " men's dangers, be so indolent in your own? " Where was that grief, that ardor, which was " to extort cries and lamentations from the most " stupid? We saw no emotion of your mind, none " of your body; no striking your forehead, or

“ your thigh; no stamping with your foot; so that  
“ instead of feeling ourselves inflamed, we could  
“ hardly forbear sleeping, while you were urging  
“ all that part of your charge ”.” Cicero’s  
speech is lost, but Gallius was acquitted; for we  
find him afterwards revenging himself in the same  
kind on this very Callidius, by accusing him of  
bribery in his suit for the Consulship ”.

J. Cæsar was one of the assistant judges this year to the Prætor, whose province it was to sit upon the Sicarii, that is, those who were accused of killing, or carrying a dagger with intent to kill. This gave him an opportunity of citing before him as criminals, and condemning by the law of assassinate all those, who in Sylla’s proscription had been known to kill, or receive money for killing a proscribed Citizen; which money Cato also, when he was Quæstor the year before, had made them refund to the treasury ”. Cæsar’s view was, to mortify the Senate and ingratiate himself with the people, by reviving the Marian cause, which had always been popular, and of which he was naturally the head, on account of his near relation to old Marius: for which purpose he had the hardiness likewise to replace in the Capitol the trophies and statues of Marius, which Sylla had ordered to be thrown down and broken to pieces ”. But while he was prosecuting with such severity the agents of Sylla’s cruelty, he not only spared, but favored Catiline, who was one of the most cruel in spilling the blood of the proscribed; having butchered with his own hands, and in a manger the most brutal, C. Marius

Gratidianus, a favorite of the people, nearly related both to Marius and Cicero; whose head he carried in triumph through the streets to make a present of it to Sylla <sup>202</sup>. But Cæsar's zeal provoked L. Paullus to bring Catiline also under the lash of the same law, and to accuse him in form, after his repulse from the Consulship, of the murder of many Citizens in Sylla's proscription: of which though he was notoriously guilty, yet contrary to all expectation, he was acquitted <sup>203</sup>.

Catiline was suspected also at the same time of another heinous and capital crime, an incestuous commerce with Fabia, one of the Vestal Virgins, and sister to Cicero's wife. This was charged upon him so loudly by common fame, and gave such scandal to the City, that Fabia was brought to a trial for it; but either through her innocence, or the authority of her brother Cicero, she was readily acquitted: which gave occasion to Cicero to tell him, among the other reproaches on his flagitious life, that there was no place so sacred, whither his very visits did not carry pollution, and leave the imputation of guilt, where there was no real crime subsisting <sup>204</sup>.

As the election of Consuls approached, Cicero's interest appeared to be superior to that of all the candidates; for the Nobles themselves, though always envious and desirous to depress him, yet out of regard to the dangers which threatened the City from many quarters, and seemed ready to burst out into a flame, began to think him the only man qualified to preserve the Republic, and

break the cabals of the desperate, by the vigor and prudence of his administration: for in cases of danger, as Sallust observes, pride and envy naturally subside, and yield the post of honor to virtue <sup>111</sup>. The method of chusing Consuls was not by an open vote, but by a kind of ballot, or little tickets of wood, distributed to the Citizens with the names of the candidates severally inscribed upon each, but in Cicero's case the people were not content with this secret and silent way of testifying their inclinations; but before they came to any scrutiny, loudly and universally proclaimed Cicero the first Consul; so that, as he himself declared in his speech to them after his election, he was not chosen by the votes of particular Citizens, but the common suffrages of the City; nor declared by the voice of the crier, but of the whole Roman people <sup>112</sup>. He was the only new man who had obtained this sovereign dignity, or, as he expresses it, had forced the intrenchments of the Nobility for forty years past, from the first Consulship of C. Marius, and the only one likewise who had ever obtained it in his proper year, or without a repulse <sup>113</sup>. Antonius was chosen his Colleague by the majority of a few Centuries above his friend and partner Catiline; which was effected probably by Cicero's management, who considered him as the less dangerous and more tractable of the two.

Cicero's Father died this year on the twenty-fourth of November <sup>114</sup>, in a good old age, with the comfort to have seen his son advanced to the supreme honor of the City, and wanted nothing.

nothing to complete the happiness of his life, but the addition of one year more, to have made him a witness of the glory of his Consulship. It was in this year also most probably, though some Critics seem to dispute it, that Cicero gave his daughter Tullia in marriage at the age of thirteen to C. Piso Frugi, a young Nobleman of great hopes, and one of the best families in Rome <sup>10</sup>: it is certain at least, that his son was born in this same year, as he expressly tells us, in the Consulship of L. Julius Cæsar and C. Marcius Figulus <sup>11</sup>. So that with the highest honor which the public could bestow, he received the highest pleasure which private life ordinarily admits, by the birth of a son and heir to his family.

## SECT. III.

CICERO was now arrived through the usual gradation of honors, at the highest which the people could regularly give, or an honest Citizen desire. The offices which he had already born, had but a partial jurisdiction, confined to particular branches of the Government; but the Consuls held the reins, and directed the whole machine with an authority as extensive as the Empire itself<sup>1</sup>. The subordinate Magistracies therefore, being the steps only to this sovereign dignity, were not valued so much for their own sake, as for bringing the candidates still nearer to the principal object of their hopes, who through this course of their ambition were forced to practise all the arts of popularity; to court the little as well as the great, to espouse the principles and politics in vogue, and to apply their talents to conciliate friends, rather than to serve the public<sup>2</sup>. But the Consulship put an end to this subjection, and with the command of the state gave them the command of themselves; so that the only care left was, how to execute this high office with credit and dignity, and employ the power intrusted to them for the benefit and service of their country.

We are now therefore to look upon Cicero in a different light, in order to form a just idea of

his character: to consider him, not as an ambitious Courtier, applying all his thoughts and pains to his own advancement; but as a great Magistrate and Statesman, administering the affairs and directing the counsels of a mighty empire: And according to the accounts of all the ancient writers, Rome never stood in greater need of the skill and vigilance of an able Consul than in this very year. For besides the traiterous cabals and conspiracies of those who were attempting to subvert the whole Republic, the new Tribunes were also laboring to disturb the present quiet of it: some of them were publishing laws to abolish every thing that remained of Sylla's establishment, and to restore the sons of the proscribed to their estates and honors: others to reverse the punishment of P. Sylla and Autronius, condemned for bribery, and replace them in the Senate: some were for expunging all debts; and others, for dividing the lands of the public to the poorest citizens: so that, as Cicero declared both to the Senate and the people, the Republic was delivered into his hands full of terrors and alarms; distracted by pestilent laws and seditious harangues; endangered not by foreign wars, but intestine evils; and the traiterous designs of profligate Citizens; and that there was no mischief incident to a State which the honest had not cause to apprehend, the wicked to expect.

What gave the greater spirit to the authors of these attempts, was Autronius's advancement to the Consulship: they knew him to be of the

same principles, and embarked in the same designs with themselves, which by his authority they now hoped to carry into effect. Cicero was aware of this; and foresaw the mischief of a Colleague equal to him in power, yet opposite in views, and prepared to frustrate all his endeavours for the public service: so that his first care, after their election, was to gain the confidence of Antonius, and to draw him from his old engagements to the interests of the Republic; being convinced that all the success of his administration depended upon it. He began therefore to tempt him by a kind of argument which seldom fails of its effect with men of his character, the offer of power to his ambition, and of money to his pleasures: with these baits he caught him; and a bargain was presently agreed upon between them, that Antonius should have the choice of the best Province which was to be assigned to them at the expiration of their year. It was the custom for the Senate to appoint what particular Provinces were to be distributed every year to the several Magistrates, who used afterwards to cast lots for them among themselves; the Prætors for the Prætorian, the Consuls for the Consular Provinces. In this partition therefore, when Macedonia, one of the most desirable governments of the Empire, both for command and wealth, fell to Cicero's lot, he exchanged it immediately with his Colleague for Cisalpine Gaul, which he resigned also soon after in favor of Q. Metellus; being resolved, as he declared in his inauguration speech, to

administer the Consulship in such a manner, as to put it out of any man's power either to tempt or terrify him from his duty: since he neither sought, nor would accept any province, honor, or benefit from it whatsoever; the only way, says he, by which a man can discharge it with gravity and freedom; so as to chastise those Tribunes who wish ill to the Republic, or despise those who wish ill to himself': a noble declaration, and worthy to be transmitted to posterity for an example to all magistrates in a free State. By this address he entirely drew Antonius into his measures, and had him ever after obsequious to his will'; or, as he himself expresses it, by his patience and complaisancy he softened and calmed him, eagerly desirous of a Province, and projecting many things against the State'. The establishment of this concord between them was thought to be of such importance to the public quiet, that in his first speech to the people, he declared it to them from the Rostra, as an event the most likely to curb the insolence of the factious, and raise the spirits of the honest, and prevent the dangers with which the City was then threatened'.

There was another project likewise which he had much at heart, and made one of the capital points of his administration, to unite the Equestrian order with the Senate into one common party and interest. This body of men, next to the Senators, consisted of the richest and most splendid families of Rome, who from the ease and influence of their fortunes were naturally well affected to

the prosperity of the Republic; and being also the constant farmers of all the revenues of the Empire, had a great part of the inferior people dependent upon them. Cicero imagined, that the united weight of these two orders would always be an over-balance to any other power in the State, and a secure barrier against any attempts of the popular and ambitious upon the common liberty ". He was the only man in the City capable of effecting such a coalition, being now at the head of the Senate, yet the darling of the Knights; who considered him as the pride and ornament of their order, whilst he, to ingratiate himself the more with them, affected always in public to boast of that extraction, and to call himself an Equestrian; and made it his special care to protect them in all their affairs, and to advance their credit and interest: so that, as some writers tell us, it was the authority of his Consulship that first distinguished and established them into a third order of the State ". The policy was certainly very good, and the Republic reaped great benefit from it in this very year, through which he had the whole body of Knights at his devotion, who, with Atticus at their head, constantly attended his orders, and served as a guard to his person ": and if the same maxim had been pursued by all succeeding Consuls, it might probably have preserved, or would certainly at least have prolonged, the liberty of the Republic.

Having laid this foundation for the laudable discharge of his Consulship, he took possession

of it, as usual, on the first of January. A little before his inauguration, P. Servilius Rullus, one of the new Tribunes, who entered always into their office on the tenth of December, had been alarming the Senate with the Promulgation of an Agrarian law. These laws used to be greedily received by the populace, and were proposed therefore by factious Magistrates, as oft as they had any point to carry with the multitude against the public good: but this law was of all others the most extravagant, and, by a show of granting more to the People than had ever been given before, seemed likely to be accepted. The purpose of it was, to create a Decemvirate, or ten commissioners, with absolute power for five years over all the revenues of the Republic; to distribute them at pleasure to the Citizens, to sell and buy what lands they thought fit; to determine the rights of the present possessors; to require an account from all the Generals abroad, excepting Pompey, of the spoils taken in their wars; to settle colonies wheresoever they judged proper, and particularly at Capua; and in short, to command all the money and forces of the empire.

The publication of a law, conferring powers so excessive, gave a just alarm to all who wished well to the public tranquillity: so that Cicero's first business was to quiet the apprehensions of the City, and to exert all his art and authority to baffle the intrigues of the Tribune. As soon therefore as he was invested with his new dignity, he raised the spirits of the Senate, by assuring

them of his resolution to oppose the law, and all it's abettors, to the utmost of his power; nor suffer the State to be hurt, or it's liberties to be impaired, while the administration continued in his hands. From the Senate he pursued the Tribune into his own dominion, the Forum; where in an artful and elegant speech from the Rostra, he gave such a turn to the inclination of the people, that they rejected this Agrarian law with as much eagerness, as they had ever before received one".

He began, " by acknowledging the extraordinary obligations which he had received from them, in preference and opposition to the Nobility; declaring himself the creature of their power, and of all men the most engaged to promote their interests; that they were to look upon him as the truly popular magistrate; nay, that he had declared even in the Senate, that he would be the people's Consul ". He then fell into a commendation of the Gracchi, whose name was extremely dear to them, professing, that he could not be against all Agrarian laws, when he recollects, that those two most excellent men, who had the greatest love for the Roman people, had divided the public lands to the Citizens; that he was not one of those Consuls, who thought it a crime to praise the Gracchi, on whose counsels, wisdom, laws, many parts of the present government were founded", that his quarrel was to this particular law, which, instead of being popular, or

“ adapted to the true interests of the City, was in reality the establishment of a Tyranny, and a creation of ten Kings to domineer over them.” This he displays at large, from the natural effect of that power which was granted by it”; and proceeds to insinuate, that it was covertly levelled against their favorite Pompey, and particularly contrived to retrench and insult his authority: “ Forgive me, Citizens, “says he,” for my calling so often upon so great a name; you yourselves imposed the task upon me, when I was Prætor, to join with you in defending his dignity as far as I was able: I have hitherto done all that I could do; not moved to it by my private friendship for the man, nor by any hopes of honor, and of this supreme magistracy, which I obtained from you, though with his approbation, yet without his help. Since then I perceive this law to be designed as a kind of engine to overturn his power, I will resist the attempts of these men; and as I myself clearly see what they are aiming at, so I will take care that you also shall see, and be convinced of it too.”

He then shows, “ how the law, though it excepted Pompey from being accountable to the Decemvirate, yet excluded him from being one of the number, by limiting the choice to those who were present at Rome; that it subjected likewise to their jurisdiction the countries just conquered by him, which had always been left to the management of the General”: Upon which he draws a pleasant picture of the Tribune

“ Rullus, with all his train of Officers, Guards,  
 “ Lictors, and Apparators ”, swaggering in  
 “ Mithridates’s kingdom, and ordering Pompey  
 “ to attend him by a mandatory letter, in the  
 “ following strain:

“ P. Servilius Rullus, Tribune of the people,  
 “ Decemvir, to Cnæus Pompey the son of Cnæus,  
 “ greeting.

“ He will not add, “says he,” the title of Great,  
 “ when he has been laboring to take it from him  
 “ by law ”.

“ I require you not to fail to come presently to  
 “ Sinope, and bring me a sufficient guard with  
 “ you, while I sell those lands by my law, which  
 “ you have gained by your valor.”

He observes, “ that the reason of excepting  
 “ Pompey was not from any respect to him, but  
 “ for fear that he would not submit to the  
 “ indignity of being accountable to their will:  
 “ but Pompey,” says he, “ is a man of that temper,  
 “ that he thinks it his duty to bear whatever you  
 “ please to impose; but if there be any thing  
 “ which you cannot bear yourselves, he will take  
 “ care that you shall not bear it long against your  
 “ wills ”. He proceeds to enlarge upon “ the  
 “ dangers, which this law threatened to their  
 “ liberties: that instead of any good intended by  
 “ it to the body of the Citizens, it’s purpose was  
 “ to erect a power for the oppression of them;  
 “ and on pretence of planting colonies in Italy  
 “ and the Provinces, to settle their own creatures  
 “ and dependents, like so many garrisons, in all

“ the convenient posts of the Empire, to be ready  
“ on all occasions to support their tyranny: that  
“ Capua was to be their head-quarters, their  
“ favorite colony; of all Cities the proudest, as  
“ well as the most hostile and dangerous; in  
“ which the wisdom of their ancestors would not  
“ suffer the shadow of any power or magistracy  
“ to remain; yet now it was to be cherished and  
“ advanced to another Rome”: that by this law  
“ the lands of Campania were to be sold or given  
“ away; the most fruitful of all Italy, the surest  
“ revenue of the Republic, and their constant  
“ resource when all other rents failed them; which  
“ neither the Gracchi, who of all men studied the  
“ people’s benefit the most, nor Sylla, who gave  
“ every thing away without scruple, durst venture  
“ to meddle with.” In the conclusion he takes  
notice of “the great favor and approbation with  
“ which they had heard him, as a sure omen of  
“ their common peace and prosperity; and ac-  
“ quaints them with the concord that he had  
“ established with his Colleague, as a piece of  
“ news of all others the most agreeable; and  
“ promises all security to the Republic, if they  
“ would but show the same good disposition on  
“ future occasions, which they had signified on  
“ that day; and that he would make those very  
“ men, who had been the most envious and averse  
“ to his advancement, confess, that the people had  
“ seen farther, and judged better than they, in  
“ chusing him for their Consul.”

In the course of this contest he often called upon

the Tribunes to come into the Rostra, and debate the matter with him before the people"; but they thought it more prudent to decline the challenge, and to attack him rather by fictitious stories and calumnies, sedulously inculcated into the multitude; that his opposition to the law flowed from no good will to them, but an affection to Sylla's party, and to secure to them the lands which they possessed by his grant; that he was making his court by it to the seven Tyrants, as they called seven of the principal Senators, who were known to be the greatest favorers of Sylla's cause, and the greatest gainers by it; the two Lucullus, Crassus, Catulus, Hortensius, Metellus, Philippus. These insinuations made so great an impression on the City, that he found it necessary to defend himself against them in a second speech to the people", in which he declared, "that he looked upon that law which ratified all Sylla's acts, to be of all laws the most wicked and the most unlike to a true law, as it established a tyranny in the City; yet that it had some excuse from the times, and in their present circumstances, seemed proper to be supported; especially by him, who for this year of his Consulship professed himself the patron of peace"; but that it was the height of impudence in Rullus, to charge him with obstructing their interests for the sake of Sylla's grants, when the very law which that Tribune was then urging, actually established and perpetuated those grants; and showed itself to be drawn by a son-in-law of Valgus, who

“ possessed more lands than any other man by  
“ that invidious tenure, which were all by this  
“ law to be partly confirmed, and partly purchased  
“ of him ”.” This he demonstrates from the  
express words of the law, “ which he had studi-  
“ ously omitted, “ he says,” to take notice of before,  
“ that he might not revive old quarrels, or move  
“ any argument of new dissension in a season so  
“ improper ”: that Rullus therefore, who accused  
“ him of defending Sylla’s acts, was of all others  
“ the most impudent defender of them: for none  
“ had ever affirmed them to be good and legal,  
“ but to have some plea only from possession  
“ and the public quiet; but by this law the estates  
“ that had been granted by them were to be fixed  
“ upon a better foundation and title than any  
“ other estates whatsoever.” He concludes “ by  
“ renewing his challenge to the Tribunes to come  
“ and dispute with him to his face.” But after  
several fruitless attempts, finding themselves wholly  
unable to contend with him, they were forced at  
last to submit, and to let the affair drop, to the  
great joy of the Senate.

This alarm being over, another accident broke out, which might have endangered the peace of the City, if the effects of it had not been prevented by the authority of Cicero. Otho’s law, mentioned above, for the assignment of separate seats to the Equestrian order, had highly offended the people, who could not digest the indignity of being thrust so far back from their diversions; and while the grudge was still fresh, Otho happening to come

into the theatre, was received by the populace with an universal hiss, but by the Knights with loud applause and clapping: both sides redoubled their clamor with great fierceness, and from reproaches were proceeding to blows; till Cicero, informed of the tumult, came immediately to the Theatre, and calling the people out into the Temple of Bellona so tamed and stung them by the power of his words, and made them so ashamed of their folly and perverseness, that on their return to the Theatre they changed their hisses into applause, and vied with the Knights themselves in demonstrations of their respect to Otho<sup>10</sup>. The speech was soon after published; though from the nature of the thing it must have been made upon the spot, and flowed extempore from the occasion: and as it was much read and admired for several ages after, as a memorable instance of Cicero's command over men's passions, so some have imagined it to be alluded to in that beautiful passage of Virgil<sup>11</sup>.

*Ac veluti magno in populo cum saepe coorta est  
Seditio, sevitque animis ignobile vulgus;  
Jamque faces & saxa volant, furor arma ministrat:  
Tum pietate gravem & meritis si forte virum quem  
Asperire, silent, arrectisque asperibus adstant;  
Ille regit dictis aximes, & pediora mulcat.*

Virg. En. 1. 152.

As when sedition fires th' ignoble crowd,  
And the wild rabble storms and thirsts for blood:

Of stones and brands a mingled tempest flies,  
With all the sudden arms that rage supplies:  
If some grave fire appears amidst the strife,  
In morals strict and innocence of life,  
All stand attentive, while the sage controuls  
Their wrath, and calms the tempest of their souls.

Mr. Pitt.

One topic, which Cicero touched in this speech, and the only one of which we have any hint from antiquity, was to reproach the rioters for their want of taste and good sense, in making such a disturbance while Roscius was acting <sup>12</sup>.

There happened about the same time a third instance, not less remarkable, of Cicero's great power of persuasion: Sylla had by an express law excluded the children of the proscribed from the Senate and all public honors; which was certainly an act of great violence, and the decree rather of a Tyrant, than the law of a free State <sup>13</sup>: so that the persons injured by it, who were many, and of great families, were now making all their efforts to get it reversed. Their petition was highly equitable, but from the condition of the times, as highly unseasonable; for in the present disorders of the City, the restoration of an oppressed party must needs have added strength to the old factions; since the first use, that they would naturally make of the recovery of their power, would be to revenge themselves on their oppressors. It was Cicero's business therefore to prevent that inconvenience, and, as far as it was

possible, with the consent of the sufferers themselves: on which occasion this great commander of the human affections, as Quintilian calls him, found means to persuade those unfortunate men, that to bear their injury was their benefit; and that the government itself could not stand, if Sylla's laws were then repealed, on which the quiet and order of the Republic were established; acting herein the part of a wise statesman, who will oft be forced to tolerate, and even maintain, what he cannot approve, for the sake of the common good; agreeably to what he lays down in his book of Offices, that many things which are naturally right and just, are yet by certain circumstances and conjunctures of times made dishonest and unjust". As to the instance before us, he declared in a speech made several years after, that he had excluded from honors a number of brave and honest young men, whom fortune had thrown into so unhappy a situation, that if they had obtained power, they would probably have employed it to the ruin of the state". The three cases just mentioned make Pliny break out into a kind of rapturous admiration of the man, who could persuade the people to give up their bread, their pleasure and their injuries, to the charms of his eloquence".

The next transaction of moment in which he was engaged was the defence of C. Rabirius, an aged Senator, accused by T. Labienus, one of the Tribunes, of treason or rebellion, for having killed L. Saturninus, a Tribune about forty years before,

before, who had raised a dangerous sedition in the City. The fact, if it had been true, was not only legal, but laudable, being done in obedience to a decree of the Senate, by which all the Citizens were required to take arms in aid of the Consuls C. Marius and L. Flaccus.

But the punishment of Rabirius was not the thing aimed at, nor the life of an old man worth the pains of disturbing the peace of the City: the design was to attack that prerogative of the Senate, by which in the case of a sudden tumult they could arm the City at once, by requiring the Consuls to take care, that the Republic received no detriment: which vote was supposed to give a sanction to every thing that was done in consequence of it; so that several traitorous magistrates had been cut off by it, without the formalities of a trial, in the act of stirring up sedition. This practice, though in use from the earliest times, had always been complained of by the Tribunes, as an infringement of the constitution, by giving to the Senate an arbitrary power over the lives of Citizens, which could not legally be taken away without a hearing and judgment of the whole people. But the chief grudge to it was, from it's being a perpetual check to the designs of the ambitious and popular, who aspired to any power not allowed by the laws: it was not difficult for them to delude the multitude; but the Senate was not so easily managed, who by that single vote of committing the Republic to the Consuls, could frustrate at once all the effects of their

popularity, when carried to a point which was dangerous to the State: for since in virtue of it, the Tribunes themselves, whose persons were held sacred, might be taken off without sentence or trial, when engaged in any traitorous practices, all attempts of that kind must necessarily be hazardous and desperate.

This point therefore was to be tried on the person of Rabirius, in whose ruin the factious of all ranks were interested. J. Cæsar suborned Labienus to prosecute him; and procured himself to be appointed one of the Duumviri, or the two Judges allotted by the Prætor to sit upon trials of treason". Hortensius pleaded his cause, and proved by many witnesses, that the whole accusation was false, and that Saturninus was actually killed by the hand of a slave, who for that service obtained his freedom from the public". Cæsar, however, eagerly condemned the old man, who appealed from his sentence to the people; where nothing, says Suetonius, did him so much service, as the partial and forward severity of his judge".

The Tribunes in the mean while employed all their power to destroy him; and Labienus would not suffer Cicero to exceed half an hour in his defence"; and to raise the greater indignation against the criminal, exposed the picture of Saturninus in the Rostra, as of one who fell a martyr to the liberties of the people. Cicero opened the defence with great gravity, declaring, "that in " the memory of man there had not been a cause " of such importance; either undertaken by a

“ Tribune, or defended by a Consul: that nothing less was meant by it, than that for the future, there should be no Senate or public Council in the City; no consent and concurrence of the honest against the rage and rashness of the wicked; no resource or refuge in the extreme dangers of the Republic”. — He implores the favor of all the Gods, by whose providence their City was more signally governed than by any wisdom of man to make that day propitious to the security of the state, and to the life and fortunes of an innocent man.” — And having possessed the minds of his audience with the sanctity of the cause, he proceeds boldly to wish, that he had been at “liberty to confess, what Hortensius indeed had proved to be false, that Saturninus, the enemy of the Roman people, was killed by the hand of Rabirius” — that he should have proclaimed and bragged of it, as an act that merited rewards, instead of punishment.” — Here he was interrupted by the clamor of the opposite faction; but he observes it to be the faint effort of a small part of the assembly; and that the body of the people, who were silent, would never have made him Consul, if they had thought him capable of being disturbed by so feeble an insult; which he advised them to drop, since it betrayed only their folly and inferiority of their numbers.” — The assembly being quieted, he goes on to declare, “ that though Rabirius did not kill Saturninus, yet he took arms with intent to kill him, together

“ with the Consuls and all the best of the City,  
“ to which his honor, virtue, and duty called  
“ him. ” — He puts Labienus in mind, “ that he  
“ was too young to be acquainted with the  
“ merits of that cause; that he was not born  
“ when Saturninus was killed, and could not be  
“ apprized how odious and detestable his name  
“ was to all people: that some had been banished  
“ for complaining only of his death; others for  
“ having a picture of him in their houses ”: that  
“ he wondered therefore where Labienus had pro-  
“ cured that picture, which none durst venture to  
“ keep even at home; and much more, that he  
“ had the hardines to produce, before an assembly  
“ of the people, what had been the ruin of other  
“ men’s fortunes — that to charge Rabirius with  
“ this crime was to condemn the greatest and  
“ worthiest Citizens, whom Rome had ever bred;  
“ and though they were all dead, yet the injury  
“ was the same, to rob them of the honor due to  
“ their names and memories. — Would C. Marius,”  
says he, “ have lived in perpetual toils and dangers,  
“ if he had conceived no hopes concerning himself  
“ and his glory beyond the limits of this life ?  
“ When he defeated those innumerable enemies in  
“ Italy, and saved the Republic, did he imagine  
“ that every thing which related to him would  
“ die with him ? No; it is not so, Citizens; there  
“ is not one of us who exerts himself with praise  
“ and virtue in the dangers of the Republic, but  
“ is induced to it by the expectation of a futurity.  
“ As the minds of men therefore seem to be

" divine and immortal for many other reasons, so  
 " especially for this, that in all the best and the  
 " wisest there is so strong a sense of something  
 " hereafter, that they seem to relish nothing but  
 " what is eternal. I appeal then to the souls of  
 " C. Marius, and of all those wise and worthy  
 " Citizens, who, from this life of men, are  
 " translated to the honors and sanctity of the  
 " Gods; I call them, I say, to witness, that I  
 " think myself bound to fight for their fame,  
 " glory, and memory, with as much zeal, as  
 " for the altars and temples of my country; and  
 " if it were necessary to take arms in defence of  
 " their praise, I should take them as strenuously,  
 " as they themselves did for the defence of our  
 " common safety, &c. "

After this speech the people were to pass judgment on Rabirius by the suffrages of all the centuries: but there being reason to apprehend some violence and foul play from the intrigues of the Tribunes, Metellus, the Augur and Prætor of that year, contrived to dissolve the assembly by a stratagem before they came to a vote": and the greater affairs that presently ensued, and engaged the attention of the City, prevented the farther prosecution and revival of the cause.

But Cæsar was more successful in another cause, in which he was more interested, his suit for the High Priesthood, a post of the first dignity in the Republic; vacant by the death of Metellus Piüs. Labienus opened his way to it by the publication of a new law, for transferring the right of electing

from the college of priests to the people, agreeably to the tenor of a former law, which had been repealed by Sylla. Cæsar's strength lay in the favor of the populace, which by immense bribes and the profusion of his whole substance he had gained on this occasion so effectually, that he carried this high office, before he had yet been Prætor, against two Consular competitors of the first authority in Rome, Q. Catulus and P. Servilius Isauricus; the one of whom had been Censor, and then bore the title of Prince of the Senate; and the other been honored with a Triumph; yet he procured more votes against them even in their own tribes, than they both had out of the whole number of the Citizens".

Catiline was now renewing his efforts for the Consulship with greater vigor than ever, and by such open methods of bribery, that Cicero published a new law against it, with the additional penalty of a ten years exile, prohibiting likewise all shows of Gladiators within two years from the time of suing for any magistracy, unless they were ordered by the will of a person deceased, and on a certain day therein specified". Catiline, who knew the law to be levelled at himself, formed a design to kill Cicero, with some other chiefs of the Senate", on the day of election, which was appointed for the twentieth of October; but Cicero gave information of it to the Senate the day before, upon which the election was deferred, that they might have time to deliberate on an affair of so great importance; and the day following, in a

full house, he called upon Catiline to clear himself of this charge; where without denying or excusing it, he bluntly told them, that there were two bodies in the Republic, meaning the Senate and the People, the one of them infirm with a weak head, the other firm without a head; which last had so well deserved of him, that it should never want a head while he lived. He had made a declaration of the same kind and in the same place a few days before, when upon Cato's threatening him with an impeachment, he fiercely replied, that if any flame should be excited in his fortunes, he would extinguish it, not with water, but a general ruin".

These declarations startled the Senate, and convinced them that nothing but a desperate conspiracy, ripe for execution, could inspire so daring an assurance: so that they proceeded immediately to that decree, which was the usual refuge in all cases of imminent danger, of ordering the Consuls to take care that the Republic received no harm". Upon this Cicero doubled his guard, and called some troops into the city; and when the election of Consuls came on, that he might imprint a sense of his own and of the public danger the more strongly, he took care to throw back his gown in the view of the people, and discovered a shining breast-plate, which he wore under it": by which precaution, as he told Catiline afterwards to his face, he prevented his design of killing both him and the competitors for the Consulship, of

whom D. Junius Silanus and L. Licinius Murena were declared Consuls elect".

Catiline thus a second time repulsed, and breathing nothing but revenge, was now eager and impatient to execute his grand plot ; he had no other game left ; his schemes were not only suspected, but actually discovered by the sagacity of the Consul, and himself shunned and detested by all honest men ; so that he resolved without farther delay to put all to the hazard, of ruining either his country or himself. He was singularly formed both by art and nature for the head of a desperate conspiracy ; of an illustrious family, ruined fortunes, profligate mind, undaunted courage, unwearied industry ; of a capacity equal to the hardiest attempt, with a tongue that could explain and a hand that could execute it". Cicero gives us his just character in many parts of his works, but in none a more lively picture of him than in the following passage".

" He had in him, " says he, " many, though not " express images, yet sketches of the greatest vir- " tues; was acquainted with a great number of " wicked men, yet a pretended admirer of the " virtuous. His house was furnished with a vari- " ety of temptations to lust and lewdness, yet " with several incitements also to industry and la- " bor: it was a scene of vicious pleasures, yet a " school of martial exercises. There never was " such a monster on earth compounded of passions " so contrary and opposite. Who was ever more " agreeable at one time to the best citizens ?

“ who more intimate at another with the worst ?  
“ who a man of better principles ? who a fouler  
“ enemy to the city ? who more intemperate in  
“ pleasure ? who more patient in labor ? who more  
“ rapacious in plundering ? who more profuse in  
“ squandering ? he had a wonderful faculty of  
“ engaging men to his friendship, and obliging  
“ them by his observance ; sharing with them in com-  
“ mon whatever he was master of ; serving them  
“ with his money, his interest, his pains, and,  
“ when there was occasion, by the most daring  
“ acts of villainy ; moulding his nature to his pur-  
“ poses, and bending it every way to his will.  
“ With the morose, he could live severely ; with  
“ the free, gaily ; with the old, gravely ; with the  
“ young, cheerfully ; with the enterprising, auda-  
“ ciously ; with the vicious, luxuriously. By a  
“ temper so various and pliable, he gathered about  
“ him the profligate and the rash from all coun-  
“ tries, yet held attached to him at the same  
“ time many brave and worthy men, by the  
“ specious show of a pretended virtue.”

With these talents, if he had obtained the Consulship, and with it the command of the armies and provinces of the Empire, he would probably, like another Cinna, have made himself the tyrant of his country : but despair and impatience, under his repeated disappointments, hurried him on to the mad resolution, of extorting by force what he could not procure by address. His scheme however was not without a foundation of probability, and there were several reasons for thinking the

present time the most seasonable for the execution of it. Italy was drained in a manner of regular troops; Pompey at a great distance with the best army of the Empire; and his old friend Antonius, on whose assistance he still depended ", was to have the command of all the forces that remained. But his greatest hopes lay in Sylla's veteran soldiers, whose cause he had always espoused, and among whom he had been bred; who, to the number of about a hundred thousand, were settled in the several districts and colonies of Italy, in the possession of lands assigned to them by Sylla, which the generality had wasted by their vices and luxury, and wanted another civil war to repair their shattered fortunes. Among these he employed his agents and officers in all parts, to debauch them to his service; and in Etruria, had actually enrolled a considerable body, and formed them into a little army under the command of Manlius, a bold and experienced Centurion, who waited only for his orders to take the field ". We must add to this what all writers mention, the universal disaffection and discontent, which possessed all ranks of the city, but especially the meaner sort, who from the uneasiness of their circumstances, and the pressure of their debts, wished for a change of government; so that if Catiline had gained any little advantage at setting out, or come off but equal in the first battle, there was reason to expect a general declaration in his favor".

He called a council therefore of all the conspirators, to settle the plan of their work, and divide

the parts of it among themselves, and fix a proper day for the execution. There were about thirty-five, whose names are transmitted to us as principles in the plot, partly of the Senatorian, partly of the Equestrian order, with many others from the colonies and municipal towns of Italy, men of families and interest in their several countries. The Senators were P. Cornelius Lentulus, C. Cethegus, P. Autronius, L. Cassius Longinus, P. Sylla, Serv. Sylla, L. Vargunteius, Q. Curius, Q. Annius, M. Portius Lecca, L. Bestia".

Lentulus was descended from a Patrician branch of the Cornelian family, one of the most numerous, as well as the most splendid in Rome. His grandfather had born the title of Prince of the Senate, and was the most active in the pursuit and destruction of C. Gracchus, in which he received a dangerous wound". The grandson, by the favor of his noble birth, had been advanced to the Consulship about eight years before, but was turned out of the senate soon after by the Censors, for the notorious infamy of his life, till by obtaining the Praetorship a second time, which he now actually enjoyed, he recovered his former place and rank in that supreme council". His parts were but moderate, or rather slow; yet the comeliness of his person, the gracefulness and propriety of his action, the strength and sweetness of his voice, procured him some reputation as a speaker". He was lazy, luxurious, and profligately wicked; yet so vain and ambitious, as to expect from the overthrow of the government, to be the first man

in the republic; in which fancy he was strongly flattered by some crafty soothsayers, who assured him from the Sibylline books, that there were three Cornelius destined to the dominion of Rome; that Cinna and Sylla had already possessed it, and the prophecy wanted to be completed in him ". With these views he entered freely into the conspiracy, trusting to Catiline's vigor for the execution, and hoping to reap the chief fruit from it's success.

Cethegus was of an extraction equally noble, but of a temper fierce, impetuous, and daring to a degree even of fury. He had been warmly engaged in the cause of Marius, with whom he was driven out of Rome; but when Sylla's affairs became prosperous, he presently changed sides, and throwing himself at Sylla's feet, and promising great services, was restored to the City ". After Sylla's death, by intrigues and faction he acquired so great an influence, that while Pompey was abroad, he governed all things at home; procured for Antonius, the command over the coasts of the Mediterranean, and for Lucullus, the management of the Mithridatic war ". In the height of this power, he made an excursion into Spain, to raise contributions in that province, where meeting with some opposition to his violences, he had the hardiness to insult, and even wound the Proconsul Q. Metellus Pius ". But the insolence of his conduct and the infamy of his life gradually diminished, and at last destroyed his credit; when finding

himself controlled by the Magistrates, and the particular vigilance of Cicero, he entered eagerly into Catiline's plot, and was intrusted with the most bloody and desperate part of it, the task of massacring their enemies within the city. The rest of the conspirators were not less illustrious for their birth ". The two Syllas were nephews to the Dictator of that name; Autronius had obtained the Consulship, but was deprived for bribery; and Cassius was a competitor for it with Cicero himself. In short, they were all of the same stamp and character; men whom disappointments, ruined fortunes, and flagitious lives, had prepared for any design against the State; and all whose hopes of ease and advancement depended on a change of affairs, and the subversion of the Republic.

At this meeting it was resolved, that a general insurrection should be raised through Italy, the different parts of which were assigned to different leaders; that Catiline should put himself at the head of the troops in Etruria; that Rome should be fired in many places at once, and a massacre begun at the same time of the whole Senate, and all their enemies; of whom none were to be spared except the sons of Pompey, who were to be kept as Hostages of their peace and reconciliation with the father; that in the consternation of the fire and massacre, Catiline should be ready with his Tuscan army, to take the benefit of the public confusion, and make himself master of the City; where Lentulus in

the mean while, as first in dignity, was to preside in their general councils; Cassius to manage the affair of firing it, Cethegus to direct the massacre ". But the vigilance of Cicero being the chief obstacle to all their hopes, Catiline was very desirous to see him taken off before he left Rome; upon which two Knights of the company undertook to kill him the next morning in his bed, in an early visit on pretence of business ". They were both of his acquaintance, and used to frequent his house; and knowing his custom of giving free access to all, made no doubt of being readily admitted, as Cornelius, one of the two, afterwards confessed ".

The meeting was no sooner over, than Cicero had information of all that passed in it; for by the intrigues of a woman named Fulvia, he had gained over Curius her gallant, one of the conspirators of Senatorian rank, to send him a punctual account of all their deliberations. He presently imparted his intelligence to some of the chiefs of the city, who were assembled that evening, as usual, at his house; informing them not only of the design, but naming the men who were to execute it, and the very hour when they would be at his gate: all which fell out exactly as he foretold; for the two Knights came before break of day, but had the mortification to find the house well guarded, and all admittance refused to them ".

Catiline was disappointed likewise in another affair of no less moment before he quitted the

City; a design to surprise the town of Præneste, one of the strongest fortresses of Italy, within twenty-five miles of Rome; which would have been of singular use to him in the war, and a sure retreat in all events: but Cicero was still beforehand with him, and from the apprehension of such an attempt, had previously sent orders to the place to keep a special guard; so that when Catiline came in the night to make an assault, he found them so well provided, that he durst not venture upon the experiment <sup>21</sup>.

This was the state of the conspiracy, when Cicero delivered the first of those four speeches, which were spoken upon the occasion of it, and are still extant. The meeting of the conspirators was on the sixth of November, in the evening; and on the eighth he summoned the Senate to the Temple of Jupiter in the Capitol, where it was not usually held but in times of public alarm <sup>22</sup>. There had been several debates before this on the same subject of Catiline's treasons, and his design of killing the Consul, and a decree had passed at the motion of Cicero, to offer a public reward to the first discoverer of the plot; if a slave, his liberty, and eight hundred pounds; if a citizen, his pardon, and sixteen hundred <sup>23</sup>. Yet Catiline by a profound dissimulation, and the constant professions of his innocence, still deceived many of all ranks; representing the whole as the fiction of his enemy Cicero, and offering to give security for his behaviour, and to deliver himself to the custody of any whom the Senate would name;

of M. Lepidus, of the Prætor Metellus, or of Cicero himself: but none of them would receive him, and Cicero plainly told him, that he should never think himself safe in the same house, when he was in danger by living in the same City with him "": yet he still kept on the mask, and had the confidence to come to this very meeting in the Capital; which so shocked the whole assembly, that none even of his acquaintance durst venture to salute him; and the Consular Senators quitted that part of the house in which he sat, and left the whole bench clear to him ". Cicero was so provoked by his impudence, that instead of entering upon any business, as he designed, addressing himself directly to Catiline, he broke out into a most severe invective against him; and with all the fire and force of an incensed eloquence laid open the whole course of his villanies, and the notoriety of his treasons.

He put him in mind, " that there was a decree already made against him, by which he could take his life " ; and that he ought to have done it long ago, since many, far more eminent and less criminal, had been taken off by the same authority for the suspicion only of treasonable designs; that if he should order him therefore to be killed upon the spot; " there was cause to apprehend, that it would be thought rather too late, than too cruel. — " But there was a certain reason which yet withheld him — — — Thou shalt then be put to death, says he, when there is not a man to be

“ be found so wicked, so desperate, so like to thyself, who will deny it to be done justly. — “ As long as there is one who dares to defend thee, thou shalt live; and live so, as thou now dost, surrounded by the guards, which I have placed about thee, so as not to suffer thee to stir a foot against the Republic; whilst the eyes and ears of many shall watch thee, as they have hitherto done, when thou little thoughtest of it ”.” He then goes on to give a detail of all that had been concerted by the conspirators at their several meetings, to let him see, “ that he was perfectly informed of every step which he had taken, or designed to take ”; and observes, “ that he saw several at that very time in the Senate, who had assisted at those meetings. — He presses him therefore to quit the City, and since all his counsels were detected, to drop the thought of fires and massacres; — that the gates were open, and no body should stop him ”.” Then running over the flagitious enormities of his life, and the series of his traitorous practices, “ he exhorts, urges, commands him to depart, and if he would be advised by him, to go into a voluntary exile, and free them from their fears; that, if they were just ones, they might be safer; if groundless, the quieter ”: that though he would not put the question to the house, whether they would order him into banishment, or not, yet he would let him see their sense upon it by their manner of behaving while he was

“urging him to it; for should he bid any other Senator of credit, P. Sextius, or M<sup>r</sup>. Marcellus, to go into exile, they would all rise up against him at once, and lay violent hands on their C<sup>on</sup>ſul: yet when he said it to him, by their silence they approved it; by their suffering it, decreed it; by saying nothing, proclaimed their consent”. That he would answer likewise for the Knights, who were then guarding the avenues of the Senate; and were hardly restrained from doing him violence; that if he would consent to go, they would all quietly attend him to the gates. — Yet after all, if in virtue of his command he should really go into banishment, he foresaw what a storm of envy he should draw by it upon himself; but he did not value that, if by his own calamity he could avert the dangers of the Republic: but there was no hope that C<sup>at</sup>iline could ever be induced to yield to the occasions of the State, or moved with a sense of his crimes, or reclaimed by shame, or fear, or reason, from his madness”. He exhorts him therefore, if he would not go into exile, to go at least, where he was expected, into Manlius’s camp, and begin the war; provided only, that he would carry out with him all the rest of his crew: — That there he might riot and exult at his full ease, without the mortification of seeing one honest man about him”. — There he might practise all that discipline to which he had been trained,

“ of lying upon the ground, not only in pursuit  
“ of his lewd amours, but of bold and hardy  
“ enterprises: there he might exert all that  
“ boasted patience of hunger, cold, and want;  
“ by which however he would shortly find him-  
“ self undone”. He then introduces an expostu-  
lation of the Republic with himself, “ for his too  
“ great lenity, in suffering such a traitor to escape;  
“ instead of hurrying him to immediate death;  
“ that it was an instance of cowardice and ingra-  
“ titude to the Roman people, that he, a new  
“ man, who, without any recommendation from  
“ his ancestors, had been raised by them through  
“ all the degrees of honor to sovereign dignity,  
“ should for the sake of any danger to himself;  
“ neglect the care of the public safety”. To this  
“ most sacred voice of my country”, says he, “ and  
“ to all those who blame me after the same manner,  
“ I shall make this short answer; that if I had  
“ thought it the most advisable to put Catiline  
“ to death, I would not have allowed that Gla-  
“ diator the use of one moment’s life: for if, in  
“ former days, our most illustrious Citizens,  
“ instead of sullying, have done honor to their  
“ memories, by the destruction of Saturninus,  
“ the Gracchi, Flaccus, and many others; there  
“ is no ground to fear, that by killing this Par-  
“ ricide any envy would lie upon me with pos-  
“ terity; yet if the greatest was sure to befall  
“ me, it was always my persuasion, that envy  
“ acquired by virtue was really glory, not en-  
“ vy: but there are some of this very order,

“ who do not either see the dangers which hang  
“ over us, or else dissemble what they see; who  
“ by the softness of their votes cherish Catiline’s  
“ hopes, and add strength to the conspiracy by  
“ not believing it; whose authority influences  
“ many, not only of the wicked but the weak;  
“ who, if I had punished this man as he de-  
“ served, would not have failed to cry out  
“ upon me for acting the tyrant “. Now I  
“ am persuaded, that when he is once gone into  
“ Manlius’s camp, whither he actually designs  
“ to go, none can be so silly, as not to see that  
“ there is a plot, none so wicked, as not to ac-  
“ knowledge it: whereas by taking off him alone,  
“ though this pestilence would be somewhat  
“ checked, it could not be suppressed: but when  
“ he has thrown himself into rebellion, and car-  
“ ried out his friends along with him, and drawn  
“ together the profligate and desperate from all  
“ parts of the empire, not only this ripened  
“ plague of the Republic, but the very root  
“ and seed of all our evils will be extirpated  
“ with him at once.” Then applying himself  
again to Catiline, he concludes with a short  
prayer to Jupiter: “ With these omens, Catiline,  
“ of all prosperity to the Republic, but of destruc-  
“ tion to thyself, and all those who have joined  
“ themselves with thee in all kinds of parricide,  
“ go thy way then to this impious and abomi-  
“ nable war; whilst thou, Jupiter, whose reli-  
“ gion was established with the foundation of this  
“ City, whom we truly call Stator, the stay and

“ prop of this empire, wilt drive this man and  
“ his accomplices from thy altars and temples,  
“ from the houses and walls of the city, from  
“ the lives and fortunes of us all ; and wilt  
“ destroy with eternal punishments, both living  
“ and dead, all the haters of good men, the  
“ enemies of their country, the plunderers of  
“ Italy, now confederated in this detestable league  
“ and partnership of villainy.”

Catiline, astonished by the thunder of this speech, had little to say for himself in answer to it; yet with down-cast looks and suppliant voice he begged of the Fathers, not to believe too hastily what was said against him by an enemy; that his birth and past life offered every thing to him that was hopeful; and it was not to be imagined, that a man of Patrician family, whose ancestors, as well as himself, had given many proofs of their affection to the Roman people, should want to overturn the government; while Cicero, a stranger, and late inhabitant of Rome, was so zealous to preserve it. But as he was going on to give foul language, the Senate interrupted him by a general outcry, calling him Traitor and Parricide: upon which being furious and desperate, he declared again aloud what he had said before to Cato, that since he was circumvented and driven headlong by his enemies, he would quench the flame which was raised about him, by the common ruin; and so rushed out of the assembly <sup>“</sup>. As soon as he was come to his house, and began to reflect on what had passed, perceiving it in vain to dissemble any longer, he resolved to

enter into action immediately, before the troops of the Republic were increased; or any new levies made; so that after a short conference with Lentulus, Cethegus, and the rest, about what had been concerted in the last meeting, having given fresh orders and assurances of his speedy return at the head of a strong army, he left Rome that very night with a small retinue, to make the best of his way towards Etruria “.

He no sooner disappeared, than his friends gave out that he was gone into a voluntary exile at Marseilles”; which was industriously spread through the City the next morning, to raise an odium upon Cicero, for driving an innocent man into banishment without any previous trial or proof of his guilt: but Cicero was too well informed of his motions to entertain any doubt about his going to Manlius’s camp, and into actual rebellion; he knew that he had sent thither already a quantity of arms, and all the ensigns of military command, with that silver eagle, which he used to keep with great superstition in his house, for it’s having belonged to C. Marius in his expedition against the Cimbri “. But lest the story should make an ill impression on the City, he called the people together into the Forum, to give them an account of what passed in the Senate the day before, and of Catiline’s leaving Rome upon it.

He began by “ congratulating with them on “ Catiline’s flight, as on a certain victory; since “ the driving him from his secret plots and infi- “ dious attempts on their lives and fortunes into

“ open rebellion, [was in effect to conquer him: “ that Catiline himself was sensible of it; whose “ chief regret in his retreat was not for leaving “ the City, but for leaving it standing”. — But “ if there be any here,” says he, “ who blame me “ for what I am boasting of, as you all indeed “ justly may, that I did not rather seize, than “ send away so capital an enemy; that is not my “ fault, Citizens, but the fault of the times. Ca- “ tiline ought long ago to have suffered the last “ punishment; the custom of our ancestors, the “ discipline of the empire, and the Republic itself “ required it: but how many would there have “ been, who would not have believed, what I “ charged him with? how many, who through “ weakness would never have imagined it, or “ through wickedness would have defended it?” — He observes, “ that if he had put Catiline “ to death, he should have drawn upon himself “ such an odium”, as would have rendered him “ unable to prosecute his accomplices, and extir- “ pate the remains of the conspiracy; but so far “ from being afraid of him now, he was sorry “ only that he went off with so few to attend “ him”: that his forces were contemptible, if “ compared with those of the Republic; made “ up of a miserable, needy crew, who had wasted “ their substance, forfeited their bails, and would “ run away not only at the sight of an army, “ but of the Prætor’s edict; — That those, who “ had deserted his army and staid behind, were “ more to be dreaded than the army itself; and

“ the more so, because they knew him to be informed of all their designs, yet were not at all moved by it: that he had laid open all their counsels in the Senate the day before, upon which Catiline was so disheartened, that he immediately fled: that he could not guess what these others meant; if they imagined that he should always use the same lenity, they were much mistaken”: for he had now gained what he had hitherto been waiting for, to make all people see that there was a conspiracy; that now therefore there was no more room for clemency, the case itself required severity; yet he would still grant them one thing, to quit the city and follow Catiline: nay, would tell them the way, it was the Aurelian road, and, if they would make haste, they might overtake him before night.” Then after describing the profligate life and conversation of Catiline and his accomplices, he declares it “insufferably impudent for such men to pretend to plot; the lazy against the active, the foolish against the prudent, the drunken against the sober, the drowsy against the vigilant; who lolling at feasts, embracing mistresses, staggering with wine, stuffed with victuals, crowned with garlands, daubed with perfumes, belch in their conversations of massacring the honest, and firing the city. If my Consulship,” says he, “since it cannot cure, should cut off all these, it would add no small period to the duration of the Republic: for there is no nation, which

“ we have reason to fear, no King, who can  
“ make war upon the Roman people; all disturb-  
“ ances abroad, both by land and sea, are quel-  
“ led by the virtue of one man; but a domestic  
“ war still remains; the treason, the danger, the  
“ enemy is within; we are to combat with luxury,  
“ with madness, with villany: in this war I pro-  
“ fess myself your leader, and take upon myself  
“ all the animosity of the desperate: whatever  
“ can possibly be healed, I will heal; but what  
“ ought to be cut off, I will never suffer to spread  
“ to the ruin of the city ”. ” He then takes  
notice of the report of Catiline’s being driven into  
exile, but ridicules the weakness of it, and says,  
“ that he had put that matter out of doubt, by  
“ exposing all his treasons the day before in the  
“ Senate ”. ” He laments “ the wretched con-  
“ dition not only of governing, but even of pre-  
“ serving States: for if Catiline, ” says he, “ baffled  
“ by my pains and counsels, should really change  
“ his mind, drop all thoughts of war, and be-  
“ take himself to exile, he would not be said to be  
“ disarmed and terrified, or driven from his pur-  
“ pose by my vigilance: but uncondemned and  
“ innocent to be forced into banishment by the  
“ threats of the Consul; and there would be  
“ numbers, who would think him not wicked,  
“ but unhappy; and me not a diligent Consul,  
“ but a cruel tyrant. ” He declares, “ that though  
“ for the sake of his own ease or character he  
“ should never wish to hear of Catiline’s being at  
“ the head of an army, yet they would certainly

“ hear it in three day's time: — that if men were  
“ so perverse as to complain of his being driven  
“ away, what would they have said if he had  
“ been put to death? Yet there was not one of  
“ those who talked of his going to Marseilles,  
“ but would be sorry for it if it was true, and  
“ wished much rather to see him in Manlius's  
“ camp.” He proceeds to describe at large the  
strength and forces of Catiline, and the different  
sorts of men of which they were composed; and  
then displaying and opposing to them the superior  
forces of the Republic, he shows it to be “ a  
“ contention of all sorts of virtue against all sorts  
“ of vice; in which, if all human help should fail  
“ them, the Gods themselves would never suffer  
“ the best cause in the world to be vanquished by  
“ the worst.” He requires them therefore to  
“ keep a watch only in their private houses, for  
“ he had taken care to secure the public, without  
“ any tumult: that he had given notice to all the  
“ colonies and great towns of Catiline's retreat,  
“ so as to be upon their guard against him: that  
“ as to the body of Gladiators, whom Catiline  
“ always depended upon as his best and surest  
“ band, they were taken care of in such a manner,  
“ as to be in the power of the Republic”; though,  
“ to say the truth, even these were better affected  
“ than some part of the Patricians: that he had  
“ sent Q. Metellus the Prætor into Gaul and the  
“ district of Picenum, to oppose all Catiline's  
“ motions on that side; and for settling all matters  
“ at home had summoned the Senate to meet again

" that morning, which, as they saw, was then  
" assembling. As for those therefore who were left  
" behind in the city, though they were now  
" enemies, yet since they were born citizens, he  
" admonished them again and again, that his lenity  
" had been waiting only for an opportunity of  
" demonstrating the certainty of the plot: that  
" for the rest, he should never forget that this  
" was his country, he their Consul, who thought  
" it his duty either to live with them, or die for  
" them. There is no guard", says he, "upon  
" the gates, none to watch the roads; if any one  
" has a mind to withdraw himself, he may go  
" wherever he pleases; but if he makes the least  
" stir within the city, so as to be caught in any  
" overt act against the Republic, he shall know,  
" that there are in it vigilant Consuls, excellent  
" Magistrates, a stout Senate; that there are arms,  
" and a prison, which our ancestors provided as  
" the avenger of manifest crimes; and all this shall  
" be transacted in such a manner, Citizens, that  
" the greatest disorders shall be quelled without  
" the least burry; the greatest dangers without  
" any tumult; a domestic war, the most desperate  
" of any in our memory, by me your only Leader  
" and General, in my gown; which I will manage  
" so, that, as far as it is possible, not one even  
" of the guilty shall suffer punishment in the city:  
" but if their audaciousness and my country's  
" danger should necessarily drive me from this  
" mild resolution, yet I will effect, what in so  
" cruel and treacherous a war could hardly be

“ hoped for, that not one honest man shall fall,  
“ but all of you be safe by the punishment of a  
“ few. This I promise, Citizens, not from any  
“ confidence in my own prudence, or from any  
“ human counsels, but from the many evident  
“ declarations of the Gods, by whose impulse I  
“ am led into this persuasion; who assist us, not  
“ as they used to do, at a distance, against foreign  
“ and remote enemies, but by their present help  
“ and protection defend their temples and our  
“ houses: it is your part therefore to worship,  
“ implore, and pray to them, that since all our  
“ enemies are now subdued both by land and sea,  
“ they would continue to preserve this city, which  
“ was designed by them for the most beautiful,  
“ the most flourishing, and most powerful on  
“ earth, from the detestable treasons of its own  
“ desperate citizens.”

We have no account of this day's debate in the Senate, which met while Cicero was speaking to the people, and were waiting his coming to them from the Rostra: but as to Catiline, after staying a few days on the road to raise and arm the country through which he passed, and which his agents had already been disposing to his interests, he marched directly to Manlius's camp, with the Fasces and all the ensigns of military command displayed before him. Upon this news the Senate declared both him and Manlius public enemies, with offers of pardon to all his followers, who were not condemned of capital crimes, if they returned to their duty by a certain day; and ordered the Consuls to

make new levies, and that Antonius should follow Catiline with the army; Cicero stay at home to guard the City".

It will seem strange to some, that Cicero, when he had certain information of Catiline's treason, instead of seizing him in the city, not only suffered but urged his escape, and forced him as it were to begin the war. But there was good reason for what he did, as he frequently intimates in his speeches; he had many enemies among the Nobility, and Catiline many secret friends; and though he was perfectly informed of the whole progress and extent of the plot, yet the proofs being not ready to be laid before the public, Catiline's dissimulation still prevailed, and persuaded great numbers of his innocence; so that if he had imprisoned and punished him at this time, as he deserved, the whole faction were prepared to raise a general clamor against him, by representing his administration as a Tyranny, and the plot as a forgery contrived to support it: whereas by driving Catiline into rebellion, he made all men see the reality of their danger; while from an exact account of his troops, he knew them to be so unequal to those of the Republic, that there was no doubt of his being destroyed, if he could be pushed to the necessity of declaring himself before his other projects were ripe for execution. He knew also, that if Catiline was once driven out of the city, and separated from his accomplices, who were a lazy, drunken, thoughtless crew, they would ruin themselves by their own rashness, and be easily drawn

into any trap which he should lay for them: the event showed that he judged right; and by what happened afterwards both to Catiline and to himself it appeared, that, as far as human caution could reach, he acted with the utmost prudence in regard as well to his own, as to the public safety.

In the midst of all this hurry, and soon after Catiline's flight, Cicero found leisure, according to his custom, to defend L. Murena, one of the Consuls elect, who was now brought to a trial for bribery and corruption. Cato had declared in the Senate, that he would try the force of Cicero's late law upon one of the Consular Candidates": and since Catiline, whom he chiefly aimed at, was out of his reach, he resolved to fall upon Murena; yet connived at the same time at the other Consul, Silanus, who had married his sister, though equally guilty with his colleague": he was joined in the accusation by one of the disappointed candidates, S. Sulpicius, a person of distinguished worth and character, and the most celebrated Lawyer of the age, for whose service, and at whose instance Cicero's law against bribery was chiefly provided".

Murena was bred a soldier, and had acquired great fame in the Mithridatic war, as Lieutenant to Lucullus"; and was now defended by three, the greatest men, as well as the greatest Orators of Rome, Crassus, Hortensius, and Cicero: so that there had seldom been a trial of more expectation, on account of the dignity of all the parties concerned. The character of the accusers makes

it reasonable to believe, that there was clear proof of some illegal practices; yet from Cicero's speech, which, though imperfect, is the only remaining monument of the transaction, it seems probable, that they were such only, as though strictly speaking irregular, were yet warranted by custom and the example of all Candidates; and though heinous in the eyes of a Cato, or an angry competitor, were usually overlooked by the magistrates and expected by the people.

The accusation consisted of three heads; the scandal of Murena's life; the want of dignity in his character and family; and bribery in the late election. As to the first, the greatest crime which Cato charged him with was dancing; to which Cicero's defence is somewhat remarkable: "He adds, "monishes Cato not to throw out such a calumny "so inconsiderately, or to call the Consul of Rome "a dancer; but to consider how many other "crimes a man must needs be guilty of before "that of dancing could be truly objected to him "since nobody ever danced, even in solitude, or "a private meeting of friends, who was not ei- "ther drunk or mad; for dancing was always the "last act of riotous banquets, gay places, and "much jollity: that Cato charged him therefore "with what was the effect of many vices, yet "with none of those, without which that vice "could not possibly subsist; with no scandalous "feasts, no amours, no nightly revels, no lewd- "ness, no extravagant expense, &c. . . ."

As to the second article, the want of dignity, it

was urged chiefly by Sulpicius, who being noble and a patrician, was the more mortified to be defeated by a Plebeian, whose extraction he contemned: but "Cicero ridicules the vanity of "thinking no family good, but a Patrician; "shows that Murena's grand-father and great "grand-father had been Prætors; and that his "father also from the same dignity had obtained "the honor of a Triumph: that Sulpicius's nobility was better known to the antiquaries than "to the people; since his grand-father had never "born any of the principal offices, nor his father "ever mounted higher than the Equestrian rank: "that being therefore the son of a Roman Knight, "he had always reckoned him in the same class "with himself, of those who by their own industry had opened their way to the highest "honors; that the Curius, the Catos, the Pompeius, the Marius, the Didius, the Cælius "were all of the same sort: that when he had "broken through that barricade of Nobility, and "laid the Consulship open to the virtuous, as well "as to the noble, and when a Consul, of an ancient and illustrious descent, was defended by "a Consul, the son of a Knight; he never imagined, that the accusers would venture to say a "word about the novelty of a family: that he "himself had two Patrician competitors, the one "a profligate and audacious, the other an excellent and modest man; yet that he outdid Catiline in dignity, Galba in interest; and if that had "been a crime in a new man, he should not have wanted

" wanted enemies to object it to him \*\*\*." He then shows, "that the science of arms, in which " Murena excelled, had much more dignity and " splendor in it than the science of the law, being " that which first gave a name to the Roman " people, brought glory to their city, and sub- " dued the world to their empire: that martial " virtue had ever been the means of conciliating " the favor of the people, and recommending to " the honors of the state; and it was but rea- " sonable that it should hold the first place in that " city, which was raised by it to be the head of " all other cities in the world \*\*\*."

As to the last and heaviest part of the charge, the crime of bribery, there was little or nothing made out against him, but what was too common to be thought criminal; the bribery of shows, plays, and dinners given to the populace; yet not so much by himself, as by his friends and relations, who were zealous to serve him; so that Cicero makes very slight of it, and declares himself " more " afraid of the authority, than the accusation of " Cato; " and to obviate the influence which the reputation of Cato's integrity might have in the cause, he observes, " that the people in general, " and all wise judges had ever been jealous of the " power and interest of an accuser; lest the cri- " minal should be born down, not by the weight " of his crimes, but the superior force of his ad- " versary. Let the authority of the great pre- " vail," says he, " for the safety of the innocent, " the protection of the helpless, and the relief of

“ the miserable; but let it's influence be repelled  
“ from the dangers and destruction of citizens:  
“ for if any one should say, that Cato would not  
“ have taken the pains to accuse, if he had not  
“ been assured of the crime, he establishes a very  
“ unjust law to men in distress, by making the  
“ judgment of an accuser to be considered as a  
“ prejudice or previous condemnation of the cri-  
“ minal ”. He exhorts Cato not to be so se-  
“ vere, on what ancient custom and the Republic  
“ itself had found useful; nor to deprive the peo-  
“ ple of their plays, gladiators, and feasts, which  
“ their ancestors, had approved; nor to take from  
“ candidates an opportunity of obliging by a me-  
“ thod of expense which indicated their genero-  
“ sity, rather than an intention to corrupt ”.

But whatever Murena's crime might be, the circumstance which chiefly favored him was the difficulty of the times, and a rebellion actually on foot; which made it neither safe nor prudent to deprive the city of a Consul, who by a military education was the best qualified to defend it in so dangerous a crisis. This point Cicero dwells much upon, declaring, “ that he undertook this cause, not so much for the sake of Murena, as of the peace, the liberty, the lives and safety of them all. “ Hear, hear,” says he, “ your Consul, who, not to speak arrogantly, thinks of nothing day and night but of the Republic: Catiline does not despise us so far, as to hope to subdue this city with the force which he has carried out with him: the contagion is spread wider than you

“ imagine: the Trojan horse is within our walls;  
“ which, while I am Consul, shall never oppress  
“ you in your sleep. If it be asked then, what  
“ reason I have to feare Catiline? none at all; and  
“ I have taken care that no body else need fear  
“ him: yet I say, that we have cause to fear those  
“ troops of his, which I see in this very place.  
“ Nor is his army so much to be dreaded, as those  
“ who are said to have deserted it: for in truth  
“ they are not deserted, but are left by him  
“ only as spies upon us, and placed as it were in  
“ ambush, to destroy us the more securely: all  
“ these want to see a worthy Consul, an experi-  
“ enced General, a man both by nature and for-  
“ tunes attached to the interests of the Republic,  
“ driven by your sentence from the guard and  
“ custody of the city.” After urging this topic  
with great warmth and force, he adds, “ We are  
“ now come to the crisis and extremity of our  
“ danger; there is no resource or recovery for  
“ us, if we now miscarry; it is no time to throw  
“ away any of the helps which we have, but by  
“ all means possible, to acquire more. The enemy  
“ is not on the banks of the Anio, which was  
“ thought so terrible in the Punic war, but in the  
“ City and the Forum. Good Gods! (I cannot  
“ speak it without a sigh) there are some enemies  
“ in the very sanctuary; some, I say, even in the  
“ Senate! The Gods grant, that my colleague  
“ may quell this rebellion by our arms; whilst I,  
“ in the gown, by the assistance of all the honest,  
“ will dispel the other dangers with which the

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“ city is now big. But what will become of us, “ if they should slip through our hands into the “ new year; and find but one Consul in the Re- “ public, and him employed not in prosecuting “ the war, but in providing a colleague? Then “ this plague of Catiline will break out in all it’s “ fury, spreading terror, confusion, fire, and “ sword through the city, &c.” This con- sideration, so forcibly urged, of the necessity of having two Consuls for the guard of the city at the opening of the new year, had such weight with the judges, that without any deliberation they unani- mously acquitted Murena, and would not, as Cicero says, so much as hear the accusation of men, the most eminent and illustrious”.

Cicero had a strict intimacy all this while with Sulpicius, whom he had served with all his interest in this very contest for the Consulship”. He had a great friendship also with Cato, and the highest esteem of his integrity; yet he not only defended this cause against them both, but to take off the prejudice of their authority, labored even to make them ridiculous; rallying the profession of Sulpicius as trifling and contemptible, the principles of Cato as absurd and impracticable, with so much humor and wit, that he made the whole audience very merry, and forced Cato to cry out, What a facetious Consul have we! but what is more observable, the opposition of these great men in an affair so interesting gave no sort of interruption to their friendship, which continued as firm as ever to the end of their lives: and Cicero, who

lived the longest of them, showed the real value that he had for them both after their deaths, by procuring public honors for the one, and writing the life and praises of the other. Murena too, though exposed to so much danger by the prosecution, yet seems to have retained no resentment of it; but during his Consulship paid a great deference to the counsels of Cato, and employed all his power to support him against the violence of Metellus, his Colleague in the Tribune. This was a greatness of mind truly noble, and suitable to the dignity of the persons; not to be shocked by the particular contradiction of their friends, when their general views on both sides were laudable and virtuous: yet this must not be wholly charged to the virtue of the men, but to the discipline of the Republic itself, which by a wise policy imposed it as a duty on its subjects to defend their fellow citizens in their dangers; without regard to any friendships or engagements whatsoever<sup>111</sup>. The examples of this kind will be more or less frequent in states, in proportion as the public good happens to be the ruling principle; for that is a bond of union too firm to be broken by any little differences about the measures of pursuing it: but where private ambition and party-zeal have the ascendant, there every opposition must necessarily create animosity, as it obstructs the acquisition of that good, which is considered as the chief end of life, private benefit and advantage.

Before the trial of Murena, Cicero had pleaded

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another cause of the same kind in the defence of C. Piso, who had been Consul four years before, and acquired the character of a brave and vigorous magistrate: but we have no remains of the speech, nor any thing more said of it by Cicero, than that Piso was acquitted on the account of his laudable behaviour in his Consulship<sup>114</sup>. We learn however from Sallust, that he was accused of oppression and extortion in his government; and that the prosecution was promoted chiefly by J. Caesar, out of revenge for Piso's having arbitrarily punished one of his friends, or clients in Cisalpine Gaul<sup>115</sup>.

But to return to the affair of the conspiracy, Lentulus, and the rest, who were left in the city, were preparing all things for the execution of their grand design, and soliciting men of all ranks, who seemed likely to favor their cause, or to be of any use to it: among the rest, they agreed to make an attempt on the Ambassadors of the Allobroges; a warlike mutinous, faithless people, inhabiting the countries now called Savoy and Dauphiny, greatly disaffected to the Roman power, and already ripe for rebellion. These ambassadors, who were preparing to return home, much out of humor with the Senate, and without any redress of the grievances, which they were sent to complain of, received the proposal at first very greedily, and promised to engage their nation to assist the conspirators with what they principally wanted<sup>116</sup>, a good body of horse, whenever they should begin the war; but reflecting afterwards in their

cooler thoughts, on the difficulty of the enterprise, and the danger of involving themselves and their country in so desperate a cause, they resolved to discover what they knew to Q. Fabius Sanga, the patron of their city, who immediately gave intelligence of it to the Consul<sup>17</sup>.

Cicero's instructions upon it were, that the ambassadors should continue to feign the same zeal which they had hitherto shown, and promise every thing that was required of them till they had got a full insight into the extent of the plot, with distinct proofs against the particular actors in it<sup>18</sup>: upon which, at their next conference with the conspirators, they insisted on having some credentials from them to show to their people at home, without which they would never be induced to enter into an engagement so hazardous. This was thought reasonable, and presently complied with; and Vulturcius was appointed to go along with the ambassadors, and introduce them to Catiline on their road, in order to confirm the agreement, and exchange assurances also with him; to whom Lentulus sent at the same time a particular letter under his own hand and seal, though without his name. Cicero being punctually informed of all these facts, concerted privately with the ambassadors the time and manner of their leaving Rome in the night; and that on the Milvian bridge, about a mile from the city, they should be arrested with their papers, and letters about them, by two of the Praetors, L. Flaccus and C. Pontinius, whom he had instructed for that

purpose, and ordered to lie in ambush near the place; with a strong guard of friends and soldiers: all which was successfully executed, and the whole company brought prisoners to Cicero's house by break of day<sup>11</sup>.

The rumor of this accident presently drew a resort of Cicero's principal friends about him, who advised him to open the letters before he produced them in the Senate, lest if nothing of moment were found in them, it might be thought rash and imprudent to raise an unnecessary terror and alarm through the city. But he was too well informed of the contents, to fear any censure of that kind; and declared, that in a case of public danger he thought it his duty to lay the matter entire before the public council<sup>12</sup>. He summoned the Senate therefore to meet immediately, and sent at the same time for Gabinius, Statilius, Cethegus, and Lentulus, who all came presently to his house, suspecting nothing of the discovery; and being informed also of a quantity of arms provided by Cethegus for the use of the conspiracy, he ordered C. Sulpicius, another of the Praetors, to go and search his house, where he found a great number of swords and daggers, with other arms, all newly cleaned, and ready for present service<sup>13</sup>.

With this preparation he set out to meet the Senate in the Temple of Concord, with a numerous guard of Citizens, carrying the ambassadors and the conspirators with him in custody: and after he had given the assembly an account of the whole

affair, Vulturcius was called in to be examined separately; to whom Cicero, by order of the house, offered a pardon and reward; if he would faithfully discover all that he knew: upon which, after some hesitation, he confessed, that he had letters and instructions from Lentulus to Catiline, to press him to accept the assistance of the slaves, and to lead his army with all expedition towards Rome, to the intent, that when it should be set on fire in different places, and the general massacre begun, he might be at hand to intercept those who escaped, and join with his friends in the city <sup>122</sup>.

The ambassadors were examined next, who declared, that they had received letters to their nation, from Lentulus, Cethegus, and Statilius; that these three, and L. Cassius also required them to send a body of horse as soon as possible into Italy, declaring, that they had no occasion for any foot: that Lentulus had assured them from the Sibylline books, and the answers of Soothsayers, that he was the third Cornelius, who was destined to be master of Rome, as Cinna and Sylla had been before him; and that this was the fatal year marked for the destruction of the City and Empire: that there was some dispute between Cethegus and the rest about the time of firing the city; for while the rest were for fixing it on the feast of Saturn, or the middle of December, Cethegus thought that day too remote and dilatory. — The letters were then produced and opened; first that from Cethegus; and upon showing him the seal, he allowed it to be his; it was written with

his own hand, and addressed to the Senate and People of the Allobroges, signifying, that he would make good what he had promised to their ambassadors, and entreating them also to perform what the ambassadors had undertaken for them. He had been interrogated just before, about the arms that were found at his house; to which he answered, that they were provided only for his curiosity, for he had always been particularly fond of neat arms: but after his letter was read, he was so dejected and confounded, that he had nothing at all to say for himself.— Statilius was then brought in, and acknowledged his hand and seal; and when his letter was read, to the same purpose with Cethegus's, he confessed it to be his own.— Then Lentulus's letter was produced, and his seal likewise owned by him; which Cicero, perceiving to be the head of his grand-father, could not help expostulating with him, that the very image of such an ancestor, so remarkable for a singular love of his country, had not reclaimed him from his traitorous designs. His letter was of the same import with the other two; but having leave to speak for himself, he at first denied the whole charge, and began to question the ambassadors and Vulturcius, what business they ever had with him, and on what occasion they came to his house; to which they gave clear and distinct answers; signifying by whom, and how often they had been introduced, to him; and then asked him in their turn, whether he had never mentioned any thing to them about the Sibylline Oracles; upon

which being confounded, or infatuated rather by the sense of his guilt, he gave a remarkable proof, as Cicero says, of the great force of conscience; for not only his usual parts and eloquence, but his impudence too, in which he outdid all men, quite failed him; so that he confessed his crime, to the surprise of the whole assembly. Then Vulturcius desired, that the letter to Catiline, which Lentulus had sent by him, might be opened; where Lentulus again, though greatly disordered, acknowledged his hand and seal: it was written without any name, but to this effect: "You will know who I am, from him whom I have sent to you. Take care to show yourself a man; and recollect in what a situation you are; and consider what is now necessary for you. Be sure to make use of the assistance of all, even of the lowest." — Gabinius was then introduced, and behaved impudently for a while; but at last denied nothing of what the ambassadors charged him with.

After the criminals and witnesses were withdrawn, the Senate went into a debate upon the state of the Republic, and came unanimously to the following resolutions: That public thanks should be decreed to Cicero in the amplest manner; by whose virtue, counsel, providence, the Republic was delivered from the greatest dangers: that Flaccus and Pontinius, the Praetors, should be thanked likewise for their vigorous and punctual execution of Cicero's orders: that Antonius, the other Consul, should be praised, for having removed from

his counsels all those who were concerned in the conspiracy: That Lentulus, after having abdicated the Praetorship, and divested himself of his robes, and Cethegus, Statilius, and Gabinius, with their other accomplices also when taken, Cassius, Cæparius, Furius, Chilo, Umbrenus, should be committed to safe custody; and that a public thanksgiving should be appointed in Cicero's name, for his having preserved the City from a conflagration, the Citizens from a massacre, and Italy from a war<sup>121</sup>.

The Senate being dismissed, Cicero went directly into the Rostra, and gave the people an account of the whole proceeding, in the manner as it is just related: where he observed to them, "that the thanksgiving decreed in his name was "the first which had ever been decreed to any "man in the gown: that all other thanksgiv- "ings had been appointed for some particular "services to the Republic, this alone for saving "it": that by the seizure of these accomplices, "all Catiline's hopes were blasted at once; for "when he was driving Catiline out of the city, "he foresaw, that if he was once removed, "there would be nothing to apprehend from the "drowsiness of Lentulus, the fat of Cassius, or "the rashness of Cethegus:— that Catiline was "the life and soul of the conspiracy; who never "took a thing to be done, because he had order- "ed it; but always followed, solicited, and saw "it done himself: that if he had not driven him "from his secret plots into open rebellion, he

“ could never have delivered the Republic from  
“ it’s dangers, or never at least with so much ease  
“ and quiet: that Catiline would not have named  
“ the fatal day for their destruction so long before-  
“ hand; nor ever suffered his hand and seal to be  
“ brought against him, as the manifest proof of  
“ his guilt; all which was so managed in his  
“ absence, that no theft in any private house  
“ was ever more clearly detected than this whole  
“ conspiracy: that all this was the pure effect  
“ of a divine influence; not only for it’s being  
“ above the reach of human counsel, but be-  
“ cause the Gods had so remarkably interposed  
“ in it, as to show themselves almost visibly:  
“ for not to mention the nightly streams of light  
“ from the western sky, the blazing of the hea-  
“ vens, flashes of lightning, earthquakes, &c.  
“ he could not omit what happened two years  
“ before, when the turrets of the Capitol were  
“ struck down with lightning; how the sooth-  
“ sayers, called together from all Etruria, de-  
“ clared that fire, slaughter, the overthrow of the  
“ laws, civil war, and the ruin of the city were  
“ portended, unless some means were found  
“ out of appeasing the Gods: for which pur-  
“ pose they ordered a new and larger statue of  
“ Jupiter to be made, and to be placed in a po-  
“ sition contrary to that of the former image,  
“ with it’s face turning towards the east; inti-  
“ mating, that if it looked towards the rising  
“ Sun, the Forum, and the Senate-house, then  
“ all plots against the state would be detected

“ so evidently, that all the world should see them :  
“ — that upon this answer, the Consuls of that  
“ year gave immediate orders for making and  
“ placing the statue; but from the slow progress  
“ of the work, neither they, nor their successors,  
“ nor he himself, could get it finished till that  
“ very day; on which, by the special influence  
“ of Jupiter, while the conspirators and witnesses  
“ were carried through the Forum to the Temple  
“ of Concord, in that very moment the statue  
“ was fixed in its place; and being turned to look  
“ upon them and the Senate, both they and the  
“ Senate saw the whole conspiracy detected.  
“ And can any man,” says he, “ be such an enemy  
“ to truth, so rash, so mad, as to deny, that all  
“ things which we see, and above all, that this  
“ city is governed by the power and providence  
“ of the Gods ” ? ” He proceeds to observe, “ that  
“ the conspirators must needs be under a divine  
“ and judicial infatuation, and could never have  
“ trusted affairs and letters of such moment to  
“ men barbarous and unknown to them, if the  
“ Gods had not confounded their senses: and that  
“ the ambassadors of a nation so disaffected, and  
“ so able and willing to make war upon them,  
“ should slight the hopes of dominion, and the  
“ advantageous offers of men of Patrician rank,  
“ must needs be the effect of a divine interposition;  
“ especially when they might have gained their  
“ ends, not by fighting, but by holding their  
“ tongues.” He exhorts them therefore, “ to  
“ celebrate that thanksgiving-day religiously with

“ their wifes and children ”. That for all his  
“ pains and services he desired no other reward  
“ or honor, but the perpetual remembrance of  
“ that day: in this he placed all his triumphs  
“ and his glory, to have the memory of that day  
“ eternally propagated to the safety of the City,  
“ and the honor of his Consulship; to have it  
“ remembered, that there were two citizens living  
“ at the same time in the Republic, the one of  
“ whom was terminating the extent of the empire  
“ by the bounds of the horizon itself; the other  
“ preserving the seat and centre of that empire ”.  
“ That his case however was different from that  
“ of their Generals abroad, who, as soon as they  
“ had conquered their enemies, left them; where-  
“ as it was his lot to live still among those whom  
“ he had subdued: that it ought to be their care  
“ therefore to see, that the malice of those enemies  
“ should not hurt him; and that what he had  
“ been doing for their good should not redound  
“ to his detriment; though as to himself, he had  
“ no cause to fear any thing, since he should be  
“ protected by the guard of all honest men, by  
“ the dignity of the Republic itself, by the power  
“ of conscience; which all those must needs violate,  
“ who should attempt to injure him: that he would  
“ never yield therefore to the audaciousnes of any,  
“ but even provoke and attack all the wicked and  
“ the profligate: yet if all their rage at last, when  
“ repelled from the people, should turn singly upon  
“ him, they should consider what a discouragement  
“ it would be hereafter to those, who should

“ expose themselves to danger for their safety. —  
“ That for his part, he would ever support and  
“ defend in his private condition what he had  
“ acted in his Consulship, and show, that what  
“ he had done was not the effect of chance, but  
“ of virtue: that if any envy should be stirred up  
“ against him, it might hurt the envious, but  
“ advance his glory. — Lastly, since it was now  
“ night, he bad them all go home, and pray to  
“ Jupiter the guardian of them and the city; and  
“ though the danger was now over, to keep the  
“ same watch in their houses as before, for fear  
“ of any surprise; and he would take care, that  
“ they should have no occasion to do it any longer.”

While the prisoners were before the Senate, Cicero desired some of the Senators, who could write short-hand, to take notes of every thing that was said; and when the whole examination was finished and reduced into an act, he set all the clerks at work to transcribe copies of it, which he dispersed presently through Italy and all the Provinces, to prevent any invidious misrepresentation of what was so clearly attested and confessed by the criminals themselves “”, who for the present were committed to the free custody of the Magistrates and Senators of their acquaintance “”, till the Senate should come to a final resolution about them. All this passed on the third of December, a day of no small fatigue to Cicero, who, from break of day till the evening, seems to have been engaged without any refreshment, in examining the witnesses and the criminals; and procuring the decree

decrees, which was consequent upon it; and when that was over, in giving a narrative of the whole transaction to the people, who were waiting for that purpose in the Forum. The same night, his wife Terentia, with the Vestal Virgins and the principal matrons of Rome, was performing a sacrifice, according to annual custom, the mystic rites of the Goddess Bona, for the Good, to which no male creature was ever admitted; and till that function was over, he was excluded also from his own house, and forced to retire to a neighbour's, where with a select council of friends he began to deliberate about the method of punishing the traitors; when his wife came in all haste to inform him of this prodigy, which had just happened amongst them for the sacrifice being over, and the fire of the altar seemingly extin<sup>ct</sup>; a bright flame issued suddenly from the ashes, to the astonishment of the company; upon which the Vestal Virgins sent her away, to require him to pursue what he had then in his thoughts, for the gods of his country, since the Goddess by this sign had given great light to his safety and glory.<sup>11</sup>

It is not improbable, that this pretended prodigy was projected between Cicero and Terentia, whose sister likewise being one of the Vestal Virgins, and having the direction of the whole ceremony, might help to effect without suspicion what had been privately concerted amongst them. For it was of great use to Cicero, to possess the minds of the people, as strongly as he could, with an apprehension of their danger, for the sake of

disposing them the more easily to approve the resolution; that he had already taken in his own mind, of putting the conspirators to death.

The day following, the Senate ordered public rewards to the Ambassadors and Vulturcius for their faithful discoveries<sup>111</sup>; and by the vigor of their proceedings seemed to show an intention of treating their prisoners with the last severity. The city in the mean while was alarmed with the rumor of fresh plots, formed by the slaves and dependents of Lentulus and Cethegus for the rescue of their Masters<sup>112</sup>; which obliged Cicero to reinforce his guards; and for the prevention of all such attempts, to put an end to the whole affair, by bringing the question of their punishment, without farther delay, before the Senate; which he summoned for that purpose the next morning.

The debate was of great delicacy and importance; to decide upon the lives of citizens of the first rank. Capital punishments were rare and ever odious in Rome, whose laws were of all others the least sanguinary; banishment, with confiscation of goods, being the ordinary punishment for the greatest crimes. The Senate indeed, as it has been said above, in cases of sudden and dangerous tumults, claimed the prerogative of punishing the leaders with death by the authority of their own decrees: but this was looked upon as a stretch of power, and an infringement of the rights of the people; which nothing could excuse, but the necessity of times, and the extremity of danger. For there was an old law of

Porcius Læca, a Tribune, which granted to all criminals capitally condemned an appeal to the people; and a later one of C. Gracchus, to prohibit the taking away the life of any citizen without a formal hearing before the people<sup>11</sup>: so that some Senators who had concurred in all the previous debates, withdrew themselves from this, to show their dislike of what they expected to be the issue of it, and to have no hand in putting Roman citizens to death by a vote of the Senate<sup>12</sup>. Here then was ground enough for Cibeno's enemies to act upon, if extreme methods were pursued: he himself was aware of it, and saw that the public interest called for the severest punishment; his private interest the gentlest; yet he came resolved to sacrifice all regards for his own quiet to the consideration of public safety.

As soon therefore as he had moved the question, what was to be done with the conspirators; Silanus the Consul elect, being called upon to speak the first, advised, that those who were then in custody, with the rest who should afterwards be taken, should all be put to death<sup>13</sup>. To this all who spoke after him readily assented, till it came to J. Cæsar, then Prætor elect, who in an elegant and elaborate speech, "treated that opinion, " not as cruel; since death, he said, was not a " punishment, but relief to the miserable; and " left no sense either of good or ill beyond " it; but as new and illegal, and contrary to " the constitution of the Republic: and though " the heinousness of the crime would justify any:

severity; yet the example was dangerous in a free state; and the salutary use of arbitrary power in good hands, had been the cause of fatal mischiefs when it fell into bad; of which he produced several instances, both in other cities and their own: and though no danger could be apprehended from these times, or such a Consul as Cicero; yet in other times, and under another Consul, when the sword was once drawn by a decree of the Senate, no man could promise what mischief it might not do before it was sheathed again: his opinion therefore was, that the estates of the conspirators should be confiscated, and their persons closely confined in the strong Towns of Italy and that it should be criminal for any one to move the Senate or the people for any favor towards them<sup>116</sup>.

These two contrary opinions being proposed, the next question was, which of them should take place: Cæsar's had made a great impression on the assembly, and staggered even Silanus, who began to excuse and mitigate the severity of his vote<sup>117</sup>; and Cicero's friends were going forwardly into it, as likely to create the least trouble to Cicero himself, for whose future peace and safety they began to be solicitous<sup>118</sup>: when Cicero observing the inclination of the house, and rising up to put the question, made his fourth speech, which now remains, on the subject of this transaction; in which he delivered his sentiments with all the skill both of the Orator and

the Statesman; and while he seemed to show a perfect neutrality, and to give equal commendation to both the opinions, was artfully laboring all the while to turn the scale in favor of Silanus's, which he considered as a necessary example of severity in the present circumstances of the Republic.

He declared, "That though it was a pleasure to him to observe the concern and solicitude which the Senate had expressed on his account, yet he begged of them to lay it all aside, and, without any regard to him, to think only of themselves and their families: that he was willing to suffer any persecution, if by his labors he could secure their dignity and safety; that his life had been often attempted in the Forum, the field of Mars, the Senate, his own house, and in his very bed: that for their quiet he had digested many things against his will without speaking of them; but if the Gods would grant issue to his Consulship, of saving them from a massacre, the city from flames, all Italy from war, let what fate soever attend himself, he would be content with it." He presses them therefore to "turn their whole care upon the State: that it was not a Gracchus, or a Saturninus, who was now in judgment before them; but Traitors, whose design it was to destroy the City by fire, the Senate and People by a massacre, who had solicited the Gauls and the very slaves to join with them in their treason, of which they had all been convicted by letters, hands,

" seals, and their own confessions". That the  
" Senate, by several previous acts, had already  
" condemned them; by their public thanks to  
" him; by deposing Lentulus from his Prætorship;  
" by committing them to custody; by decreeing a  
" thanksgiving; by rewarding the witnesses: but as  
" if nothing had yet been done, he resolved to  
" propose to them anew the question both of the  
" fact and the punishment: that whatever they  
" intended to do, it must be determined before  
" night: for the mischief was spread wider than  
" they imagined; had not only infected Italy,  
" but crossed the Alps, and seized the Provinces:  
" that it was not to be suppressed by delay and  
" irresolution, but by quick and vigorous mea-  
" sures": that there were two opinions now  
" before them; the first, of Silanus, for putting  
" the criminals to death; the second, of Cæsar,  
" who, excepting death, was for every other  
" way of punishing; each, agreeably to his digni-  
" ty, and the importance of the cause, was for  
" treating them with the last severity, the one  
" thought, that those, who had attempted to  
" deprive them all of life, and to extinguish the  
" very name of Rome, ought not to enjoy the  
" benefit of living a moment; and he had showed  
" withal, that this punishment had often been  
" inflicted on seditious citizens: the other imagin-  
" ed, that death was not designed by the Gods  
" for a punishment, but the cure of our miseries;  
" so that the wise never suffered it unwillingly,  
" the brave often sought it voluntarily; but that

“ bonds and imprisonment, especially if perpetual, were contrived for the punishment of detestable crimes: these therefore he ordered to be provided for them in the great Towns of Italy: yet in this proposal there seemed to be some injustice, if the Senate was to impose that burden upon the Towns, or some difficulty, if they were only to desire it: yet if they thought fit to decree it, he would undertake to find those, who would not refuse to comply with it for the public good: that Cæsar by adding a penalty on the Towns if any of the criminals should escape, and enjoining so horrible a confinement, without a possibility of being released from it, had deprived them of all hope, the only comfort of unhappy mortals: he had ordered their estates also to be confiscated, and left them nothing but life; which if he had taken away, he would have eased them at once of all farther pain, either of mind or body: for it was on this account that the ancients invented those infernal punishments of the dead; to keep the wicked under some awe in this life, who without them would have no dread of death itself. That for his own part, he saw how much it was his interest that they should follow Cæsar's opinion, who had always pursued popular measures; and by being the author of that vote, would secure him from any attack of popular envy; but if they followed Silanus's, he did not know what trouble it might create to himself; yet that the service of

the Republic ought to supersede all considerations of his danger; that Cæsar, by this proposal, had given them a perpetual pledge of his affection to the State; and showed the difference between the affected lenity of their daily declaimers and a mind truly popular, which sought nothing but the real good of the people: that he could not but observe, that one of those, who valued themselves on being popular, had absented himself from this day's debate, that he might not give a vote upon the life of a citizen; yet by concurring with them in all their previous votes, he had already passed a judgment on the merits of the cause; that as to the objection urged by Cæsar, of Gracchus's law, forbidding to put Citizens to death, it should be remembered, that those, who were adjudged to be enemies, could no longer be considered as Citizens; and that the author of that law had himself suffered death by the order of the people, that since Cæsar, a man of so mild and merciful a temper, had proposed so severe a punishment, if they should pass it into an act, they would give him a partner and companion, who would justify him to the people; but if they preferred Silanus's opinion, it would be easy still to defend both them and himself, from any imputation of cruelty: for he would maintain it, after all, to be the gentler of the two; and if he seemed to be more eager than usual in this cause, it was not from any severity of temper, for no man had less of it, but out of pure humanity.

" and clemency." — Then after forming a most dreadful image of "the city reduced to ashes, of heaps of slaughtered citizens, of the cries of mothers and their infants, the violation of the Vestal Virgins, and the conspirators insulting over the ruins of their country;" he affirms it to be "the greatest cruelty to the Republic, to show any lenity to the authors of such horrid wickedness; unless they would call L. Cæsar cruel, for declaring the other day in the Senate, that Lentulus, who was his sister's husband, had deserved to die; that they ought to be afraid rather of being thought cruel for a remissness of punishing, than for any severity which could be used against such outrageous enemies: that he would not conceal from them what he had heard to be propagated through the city, that they had not sufficient force to support and execute their sentence": but he assured them that all things of that kind were fully provided; that the whole body of the people was assembled for their defence; that the Forum, the Temples, and all the avenues of the Senate were possessed by their friends; that the Equestrian order vied with the Senate itself in their zeal for the Republic; whom, after a dissension of many years, that day's cause had entirely reconciled and united with them; and if that union, which his Consulship had confirmed, was preserved and perpetuated, he was confident, that no civil or domestic evil could ever again disturb them",

“ That if any of them were shocked by the report of Lentulus's agents running up and down the streets, and soliciting the needy and silly to make some effort for his rescue ; the fact indeed was true, and the thing had been attempted ; but not a man was found so desperate, who did not prefer the possession of his shed, in which he worked, his little hut and bed in which he slept, to any hopes of change from the public confusion : for all their subsistence depended on the peace and fulness of the city ; and if their gain would be interrupted by shutting up their shops, how much more would it be so by burning them ? — Since the people then were not wanting in their zeal and duty towards them, it was their part not to be wanting to the people ”. That they had a Consul snatched from various dangers and the jaws of death, not for the propagation of his own life, but of their security ; such a Consul, as they would not always have, watchful for them, regardless of himself : they had also, what was never known before, the whole Roman people of one and the same mind : that they should reflect how one night had almost demolished the mighty fabric of their empire, raised by such pains and virtue of men, by such favor and kindness of the Gods : that by their behaviour on that day they were to provide, that the same thing should not only never be attempted, but not so much as thought of again by any citizen ”. That as to himself, though

“ he had now drawn upon him the enmity of the  
“ whole band of conspirators, he looked upon  
“ them as a base, abject, contemptible faction;  
“ but if, through the madness of any, it should  
“ ever rise again, so as to prevail against the Senate  
“ and the Republic, yet he should never be in-  
“ duced to repent of his present conduct; for  
“ death, with which perhaps they would threaten  
“ him, was prepared for all men; but none ever  
“ acquired that glory of life, which they had con-  
“ fered upon him by their decrees: for to all  
“ others they decreed thanks for having served the  
“ Republic successfully; to him alone for having  
“ saved it. He hoped therefore, that there might  
“ be some place for his name among the Scipios,  
“ Paullus, Marius, Pompeys; unless it were  
“ thought a greater thing to open their way to  
“ new provinces, than to provide that their con-  
“ querors should have a home at last to return to:  
“ that the condition however of a foreign victory  
“ was much better than of a domestic one; since  
“ a foreign enemy, when conquered, was either  
“ made a slave or a friend: but when citizens  
“ once turn rebels, and are baffled in their plots,  
“ one can neither keep them quiet by force, nor  
“ oblige them by favors: that he had undertaken  
“ therefore an eternal war with all traitorous citi-  
“ zens; but was confident, that it would never  
“ hurt either him or his, while the memory of  
“ their past dangers subsisted, or that there could  
“ be any force strong enough to overpower the  
“ present union of the Senate and the Knights ”;

“ That in lieu therefore of the command of armies  
“ and provinces, which he had declined; of a  
“ Triumph and all other honors, which he had  
“ refused; he required nothing more from them,  
“ than the perpetual remembrance of his Consulship;  
“ while that continued fixed in their minds, he  
“ should think himself impregnable: but if the  
“ violence of the factious should ever defeat his  
“ hopes, he recommended to him his infant son,  
“ and trusted, that it would be a sufficient guard,  
“ not only of his safety, but of his dignity, to  
“ have it remembered, that he was the son of one,  
“ who, at the hazard of his own life, had pre-  
“ served the lives of them all.” He concludes,  
by exhorting them to “ act with the same courage  
“ which they had hitherto shown through all this  
“ affair, and to proceed to some resolute and vigor-  
“ ous decree; since their lives and liberties, the  
“ safety of the City, of Italy, and the whole  
“ Empire depended upon it.”

This speech had the desired effect; and Cicero, by discovering his own inclination, gave a turn to the inclination of the Senate; when Cato, one of the new Tribunes, rose up, and after extolling Cicero to the skies “”, and recommending to the assembly the authority of his example and judgement, proceeded to declare, agreeably to his temper and principles, “ That he was surprised to see any “ debate about the punishment of men, who had “ begun an actual war against their country: that “ their deliberation should be, how to secure them, “ selves against them, rather than how to punish

them : that other crimes might be punished after commission, but unless this was prevented before its effect, it would be vain to seek a remedy after ; that the debate was not about the public revenues, or the oppressions of the allies, but about their own lives and liberties ; not about the discipline or manners of the city, on which he had often delivereded his mind in that place ; nor about the greatness or prosperity of their empire, but whether they or their enemies should possess that empire ; and in such a case there could be no room for mercy : that they had long since lost and confounded the true names of things ; to give away other people's money was called generosity ; and to attempt what was criminal, fortitude. But if they must needs be generous, let it be from the spoils of the allies ; if merciful, to the plunderers of the treasury ; but let them not be prodigal of the blood of Citizens, and by sparing a few bad destroy all the good : That Cæsar indeed had spoken well and gravely concerning life and death ; taking all infernal punishments for a fiction ; and ordering the criminals therefore to be confined in the corporate Towns : as if there was not more danger from them in those Towns, than in Rome itself ; and more encouragement to the attempts of the desperate, where there was less strength to resist them ; so that his proposal could be of no use, if he was really afraid of them : but if in the general fear he alone had none, there was the more reason for all the rest

“ to be afraid for themselves : that they were  
“ not deliberating on the fate only of the conspi-  
“ rators, but of Catiline's whole army, which  
“ would be animated or dejected in proportion to  
“ the vigor or remissness of their decrees : That  
“ it was not the arms of their ancestors, which  
“ made Rome so great, but their discipline and  
“ manners, which were now depraved and corrupt-  
“ ed : that in the extremity of danger it was a shame  
“ to see them so indolent and irresolute, wanting  
“ for each other to speak first, and trusting, like  
“ women, to the Gods, without doing any thing  
“ for themselves : that the help of the Gods was  
“ not to be obtained by idle vows and supplica-  
“ tions : that success attended the vigilant, the  
“ active, the provident ; and when people gave  
“ themselves up to sloth and laziness, it was in  
“ vain for them to pray ; they would find the  
“ Gods angry with them : that the flagitious lives  
“ of the criminals confuted every argument of  
“ mercy, that Catiline was hovering over them  
“ with an army : while his accomplices were within  
“ the walls, and in the very heart of the city ;  
“ so that, whatever they determined, it could  
“ not be kept secret, which made it the more  
“ necessary to determine quickly. Wherefore  
“ his opinion was, that since the criminals had  
“ been convicted, both by testimony and their  
“ own confession, of a detestable treason against  
“ the Republic, they should suffer the punish-  
“ ment of death, according to the custom of their  
“ ancestors ”

Cato's authority, added to the impression which Cicero had already made, put an end to the debate; and the Senate applauding his vigor and resolution; resolved upon a decree in consequence of it <sup>16</sup>. And though Silanus had first proposed that opinion, and was followed in it by all the Consular Senators, yet they ordered the decree to be drawn in Cato's words, because he had delivered himself more fully and explicitly upon it than any of them <sup>17</sup>. The vote was no sooner passed, than Cicero resolved to put it in execution, lest the night, which was coming on, should produce any new disturbance: he went directly therefore from the Senate, attended by a numerous guard of friends and citizens, and took Lentulus from the custody of his kinsman Lentulus Spinther, and conveyed him through the Forum to the common prison, where he delivered him to the executioners, who presently strangled him. The other conspirators, Cæthegus, Statilius and Gabinius, were conducted to their execution by the Prætors, and put to death in the same manner, together with Ceparius, the only one of their accomplices who was taken after the examination <sup>18</sup>. When the affair was over, Cicero was conducted home in a kind of triumph by the whole body of the Senate and the Knights; the streets being all illuminated, and the women and children at the windows, and on the tops of houses, to see him pass along through infinite acclamations of the multitude proclaiming him their saviour and deliverer <sup>19</sup>.

This was the fifth of December, those celebrated

Names ; of which Cesar used to boast of so much ever after , as the most glorious day of his life ; and it is certain , that Rome was indebted to him on this day for one of the greatest deliverances which it had ever received since it's foundation ; and which nothing perhaps but his vigilance and sagacity could have so happily effected : for from the first alarm of the plot , he never rested night or day till he had got full information of the cabals and counsals of the conspirators : by which he easily baffled all their projects , and played with them as he pleased ; and without any risk to the public could draw them on just far enough to make their guilt manifest , and their ruin inevitable . But his master - piece was the driving Catiline out of Rome , and leading him as it were into a rebellion before it was ripe , in hopes that by carrying out with him his accomplices , he would clear the city at once of the whole faction ; or by leaving them behind without his head to manage them , would expose them to sure destruction by their own folly ; for Catilines chief trust was not on the open force which he had provided in the field , but on the success of his secret practices in Rome and on making himself master of the city ; the credit of which would have engaged to him of course all the meaner sort , and induced all others through Italy , who wished well to his cause , to declare for him immediately ; so that when this apprehension was over , by the seizure and punishment of his associates , the Senate thought the danger at an end , and that they had nothing more to do , but to  
vote

vote thanksgivings and festivals ; looking upon Catiline's army as a crew only of fugitives, or banditti, whom their forces were sure to destroy whenever they could meet with them.

But Catiline was in condition still to make a stouter resistance than they imagined : he had filled up his troops to the number of two legions, or about twelve thousand fighting men; of which a fourth part only was completely armed, the rest furnished with what chance offered, darts, lances, clubs. He refused at first to enlist slaves, who flocked to him in great numbers, trusting to the proper strength of his conspiracy, and knowing that he should quickly have soldiers enough, if his friends performed their part at home ". So that when the Consul Antonius approached towards him with his army, he shifted his quarters, and made frequent motions and marches through the mountains, sometimes towards Gaul, sometimes towards the City, in order to avoid an engagement till he could hear some news from Rome: but when the fatal account came of the death of Lentulus and the rest, the face of his affairs began presently to change, and his army to dwindle apace, by the desertion of those, whom the hopes of victory and plunder had invited to his camp. His first attempt therefore was by long marches and private roads through the Apennine, to make his escape into Gaul: but Q. Metellus, who had been sent thither before by Cicero, imagining that he would take that resolution, had secured all the passes, and posted himself so advantageously with an army of three Legions, that it was impossible

for him to force his way on that side ; whilst on the other , the Consul Antonius with a much greater force blocked him up behind , and enclosed him within the mountains " ". Antonius himself had no inclination to fight , or at least with Catiline ; but would willingly have given him an opportunity to escape , had not his Quæstor Sextius , who was Cicero's creature , and his Lieutenant Petreius , urged him on against his will to force Catiline to the necessity of a battle " " : who seeing all things desperate , and nothing left but either to die or conquer , resolved to try his fortune against Antonius , though much the stronger , rather than Metellus ; in hopes still , that out of regard to their former engagements , he might possibly contrive some way at last of throwing the victory into his hands " ". But Antonius happened to be seized at that very time with a fit of the gout , or pretended at least to be so , that he might have no share in the destruction of an old friend : so that the command fell of course to a much better soldier and honester man , Petreius , who , after a sharp and bloody action ; in which he lost a considerable part of his best troops , destroyed Catiline and his whole army , fighting desperately to the last man " ". They all fell in the very ranks in which they stood , and , as if inspired with the genuine spirit of their leader , fought not so much to conquer , as to sell their lives as dear as they could , and , as Catiline had threatened in the Senate , to mingle the public calamity with their own ruin .

Thus ended this famed conspiracy ; in which

Some of the greatest men in Rome were suspected to be privately engaged, particularly Crassus and Cæsar: they were both influenced by the same motive, and might hope perhaps, by their interest in the city, to advance themselves, in the general confusion, to that sovereign power which they aimed at. Crassus, who had always been Cicero's enemy, by an officiousness of bringing letters and intelligence to him during the alarm of the plot, seemed to betray a consciousness of some guilt<sup>11</sup>; and Cæsar's whole life made it probable, that there could hardly be any plot in which he had not some share; and in this there was so general a suspicion upon him, especially after his speech in favor of the criminals, that he had some difficulty to escape with life from the rage of the Knights, who guarded the avenues of the Senate; where he durst not venture to appear any more, till he entered upon his Prætorship with the new year<sup>12</sup>. Crassus was actually accused by one Tarquinius, who was taken upon the road as he was going to Catiline, and upon promise of pardon made a discovery of what he knew: where after confirming what the other witnesses had depos'd, he added, that he was sent by Crassus to Catiline, with advice to him, not to be discouraged by the seizure of his accomplices, but to make the greater haste for that reason to the city, in order to rescue them, and revive the spirits of his other friends. At the name of Crassus the Senate was so shocked, that they would hear the man no farther; but calling upon Cicero to put the question, and take the sense of

Q 2

the house upon it, they voted Tarquinius's evidence to be false, and ordered him to be kept in chains, not to be produced again before them, till he would confess who it was that had suborned him <sup>112</sup>. Crassus declared afterwards in the hearing of Sallust, that Cicero was the contriver of this affront upon him <sup>113</sup>. But that does not seem probable; since it was Cicero's constant maxim, as he frequently intimates in his speeches, to mitigate and reclaim all men of credit by gentle methods, rather than make them desperate by an unseasonable severity; and in the general contagion of the city, not to cut off, but to heal every part that was curable. So that when some information was given likewise against Cæsar, he chose to stifle it, and could not be persuaded to charge him with the plot, by the most pressing solicitations of Catulus and Piso, who were both his particular enemies, the one for the loss of the High-Priesthood, the other for the impeachment above mentioned <sup>114</sup>.

Whilst the sense of all these services was fresh, Cicero was repaid for them to the full of his wishes, and in the very way that he desired, by the warm and grateful applauses of all orders of the city. For besides the honors already mentioned, L. Gellius, who had been Consul and Censor, said in a speech to the Senate, that the Republic owed him a Civic Crown, for having saved them all from ruin <sup>115</sup>: and Catulus in a full house declared him the Father of his Country <sup>116</sup>; as Cato likewise did from the Rostra, with the loud acclamations of the whole people <sup>117</sup>: whence Pliny, in honor of his

memory, cries out, Hail thou, who wast first faulted the Parent of thy Country<sup>16</sup>. This title, the most glorious which a mortal can wear, was from this precedent usurped afterwards by those, who of all mortals deserved it the least, the Emperors; proud to extort from slaves and flatterers, what Cicero obtained from the free vote of the Senate and People of Rome.

— — — — — *Roma parentem,  
Roma Patrem Patria Ciceronem libera dixit:*

Juv. 8.

*Thee, Cicero, Rome while free, nor yet enbrall'd  
To Tyrant's will, thy Country's Parent call'd.*

All the towns of Italy followed the example of the metropolis, in decreeing extraordinary honors to him; and Capua in particular chose him their Patron, and erected a gilt statue to him<sup>17</sup>.

Sallust, who allows him the character of an excellent Consul, says not a word of any of these honors, nor gives him any greater share of praise, than what could not be dissembled by a Historian. There are two obvious reasons for this reservedness; first, the personal enmity, which according to tradition subsisted between them; secondly, the time of publishing his history, in the reign of Augustus, while the name of Cicero was still obnoxious to envy. The other Consul Antonius had but a small share of the thanks and honors which were decreed upon this occasion: he was known to have been embarked in the same cause

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with Catiline, and considered as acting only under a tutor, and doing penance as it were for past offences: so that all the notice, which was taken of him by the Senate, was to pay him the slight compliment above mentioned, for having removed his late profligate companions from his friendship and counsels".

Cicero made two new laws this year; the one, as it has been said, against bribery in elections; the other, to correct the abuse of a privilege called Legatio libera; that is, an honorary Legation or Embassy, granted arbitrarily by the Senate to any of its members, when they travelled abroad on their private affairs, in order to give them a public character, and a right to be treated as Ambassadors or Magistrates; which, by the insolence of these great guests, was become a grievous burden upon all the States and Cities through which they passed. Cicero's design was to abolish it; but being driven from that by one of the Tribunes, he was content to restrain the continuance of it, which before was unlimited, to the term of one year".

At his first entrance into his office, L. Lucullus was soliciting the demand of a triumph for his victories over Mithridates, in which he had been obstructed three years successively by the intrigues of some of the Magistrates", who paid their court to Pompey, by putting this affront upon his rival. By the law and custom of the Republic, no General, while he was in actual command, could come within the gates of Rome, without forfeiting his

commission; and consequently all pretensions to a triumph; so that Lucullus continued all this time in the suburbs, till the affair was decided. The Senate favored his suit, and were soliciters for him<sup>17</sup>; but could not prevail, till Cicero's authority at last helped to introduce his triumphal car into the city<sup>18</sup>; making him some amends by this service for the injury of the Manilian law, which had deprived him of his Government. After his triumph he entertained the whole Roman people with a sumptuous feast, and was much caressed by the Nobility, as one whose authority would be a proper check to the ambition and power of Pompey: but having now obtained all the honors, which he could reasonably hope for in life, and observing the turbulent and distracted state of the city, he withdrew himself not long after from public affairs, to spend the remainder of his days in a polite and splendid retreat<sup>19</sup>. He was a generous patron of learning, and himself eminently learned: so that his house was the constant resort of the principal scholars and wits of Greece and Rome; where he had provided a well-furnished library; with porticoes and galleries annexed, for the convenience of walks and literary conferences, at which he himself used frequently to assist; giving an example to the world of a life truly noble and elegant, if it had not been sullied by too great a tincture of Asiatic softness and Epicurean luxury.

After this act of justice to Lucullus, Cicero had an opportunity, before the expiration of his

Consulship; to pay all due honor likewise to his friend Pompey; who, since he last left Rome, had gloriously finished the Piratic and the Mithridatic war, by the destruction of Mithridates himself: upon the receipt of which news, the Senate, at the motion of Cicero, decreed a public thanksgiving in his name of ten days; which was twice as long as had ever been decreed before to any General, even to Marius himself, for his Cimbric victory<sup>176</sup>.

But before we close the account of the memorable events of this year, we must not omit the mention of one, which distinguished it afterwards as a particular Era in the annals of Rome, the birth of Octavius, surnamed Augustus, which happened on the twenty-third of September. Velleius calls it an accession of glory to Cicero's Consulship<sup>177</sup>; but it excites speculations rather of a different sort; on the inscrutable methods of providence, and the short sighted policy of man; that in the moment when Rome was preserved from destruction, and its liberty thought to be established more firmly than ever, an infant should be thrown into the world, who, within the course of twenty years, effected what Catiline had attempted, and destroyed both Cicero and the Republic. If Rome could have been saved by human counsel, it would have been saved by the skill of Cicero; but its destiny was now approaching: for Governments, like natural bodies, have, with the principles of their preservation, the seeds of ruin also essentially mixt in their constitution, which after a certain

period begin to operate and exert themselves to the dissolution of the vital frame. These seeds had long been fermenting in the bowels of the Republic; when Octavius came, peculiarly formed by nature and instructed by art, to quicken their operation and exalt them to their maturity.

Cicero's administration was now at an end, and nothing remained but to resign the Consulship, according to custom, in an assembly of the people, and to take the usual oath, of his having discharged it with fidelity. This was generally accompanied with a speech from the expiring Consul; and after such a year, and from such a speaker, the City was in no small expectation of what Cicero would say to them: but Metellus, one of the new Tribunes, who affected commonly to open their magistracy by some remarkable act, as a specimen of the measures which they intended to pursue, resolved to disappoint both the Orator and the audience: for when Cicero had mounted the Rostra, and was ready to perform this last act of his Office, the Tribune would not suffer him to speak, or to do any thing more, than barely take the oath; declaring, that he, who had put Citizens to death unheard, ought not to be permitted to speak for himself: upon which Cicero, who was never at a loss, instead of pronouncing the ordinary form of the oath, exalting the tone of his voice, swore out aloud, so as all the people might hear him, that he had saved the Republic and the City from ruin; which the multitude below confirmed with an universal shout, and with one

voice cried out, that what he had sworn was true<sup>24</sup>. Thus the intended affront was turned, by his presence of mind, to his greater honor; and he was conducted from the Forum to his house, with all possible demonstrations of respect by the whole City.

## S E C T. IV.

CICERO being now reduced to the condition of a private Senator, was to take his place on that venerable bench of Consuls, who were justly reckoned the first Citizens of the Republic. They delivered their opinions the first always in the Senate; and commonly determined the opinions of the rest: for as they had passed through all the public offices, and been conversant in every branch of the administration, so their experience gave them great authority in all debates; and having little or nothing farther to expect for themselves, they were esteemed not only the most knowing, but, generally speaking, the most disinterested of all the other Senators, and to have no other view in their deliberation, but the peace and prosperity of the Republic.

This was a station exactly suited to Cicero's temper and wishes; he desired no foreign governments, or command of armies; his province was the Senate and the Forum; to guard as it were the vitals of the empire, and to direct all its counsels to their proper end, the general good; and in this advanced post of a Consular Senator, as in a watch-tower of the State, to observe each threatening cloud and rising storm, and give the alarm to his fellow-citizens from what quarter it was coming, and by what means its effects might be

prevented'. This, as he frequently intimates, was the only glory that he sought, the comfort with which he flattered himself, that after a life of ambition and fatigue, and a course of faithful services to the Republic, he should enjoy a quiet and secure old age, beloved and honored by his countrymen, as the constant champion and defender of all their rights and liberties. But he soon found himself mistaken, and before he had quitted his office, began to feel the weight of that envy, which is the certain fruit of illustrious merit: for the vigor of his Consulship had raised such a zeal and union of all the honest in the defence of the laws, that till this spirit could be broken, or subside again, it was in vain for the ambitious to aim at any power but through the ordinary forms of the constitution; especially while he, who was the soul of that union, continued to flourish in full credit at the head of the Senate. He was now therefore the common mark not only of all the factious, against whom he had declared perpetual war, but of another party not less dangerous, the envious too; whose united spleen never left pursuing him from this moment, till they had driven him out of that City, which he had so lately preserved.

The Tribune Metellus began the attack: a fit leader for the purpose; who from the nobility of his birth and the authority of his office, was the most likely to stir up some ill humor against him, by insulting and reviling him in all his harangues, for putting Citizens to death without a trial; in all which he was strenuously supported by Caesar,

who pushed him on likewise to the promulgation of several pestilent laws, which gave great disturbance to the Senate. Cicero had no inclination to enter into a contest with the Tribune, but took some pains to make up the matter with him by the interposition of the women; particularly of Claudia, the wife of his brother Metellus, and of their sister Mucia, the wife of Pompey: he employed also several common friends to persuade him to be quiet, and desist from his rashness; but his answer was, that he was too far engaged, and had put it out of his power: so that Cicero had nothing left, but to exert all his vigor and eloquence to repel the insolence of this pertulant magistrate.

Cæsar at the same time was attacking Catulus with no less violence; and being now in possession of the Prætorship, made it the first act of his office to call him to an account for embezzling the public money in rebuilding the Capitol; and proposed also a law, to efface his name from the fabric, and grant the commission for finishing what remained to Pompey: but the Senate bestirred themselves so warmly in the cause, that Cæsar was obliged to drop it. This experiment convinced the two magistrates, that it was not possible for them to make head against the authority of the Senate, without the help of Pompey, whom they resolved therefore by all the arts of address and flattery to draw into their measures. With this view Metellus published a law, to call him home with his army in order to settle the state, and quiet the public

disorders raised by the temerity of Cicero<sup>4</sup>; for by throwing all power into his hands, they hoped to come in for a share of it with him, or to embroil him at least with the Senate, by exciting mutual jealousies between them: but their law was thought to be of so dangerous a tendency, that the Senate<sup>5</sup> changed their habit upon it, as in the case of a public calamity; and by the help of some of the Tribunes, particularly of Cato, resolved to oppose it to the utmost of their power: so that as soon as Metellus began to read it to the people, Cato snatched it away from him; and when he proceeded still to pronounce it by heart, Minucius, another Tribune, stopt his mouth with his hand. This threw the assembly into confusion, and raised great commotions in the City; till the Senate finding themselves supported by the better sort of all ranks, came to a new and vigorous resolution, of suspending both Cæsar and Metellus from the execution of their offices<sup>6</sup>.

Cæsar resolved at first to act in defiance of them; but finding a strong force prepared to control him, thought it more advisable to retire, and reserve the trial of arms, till he was better provided for it: he shut himself up therefore in his house, where, by a prudent and submissive behaviour he soon made his peace, and got the decree of their suspension reversed<sup>7</sup>. But Metellus, as it was concerted probably between them, fled away to his brother Pompey<sup>8</sup>, that by misrepresenting the state of things at home, and offering every thing on the part of the people, he might

instil into him some prejudices against the immoderate power of Cicero and the senate, and engage him, if possible, to declare for the popular interest. Cicero in the mean while published an invective oration against Metellus, which is mentioned in his Epistles under the title of *Metellina*<sup>1</sup>: it was spoken in the Senate, in answer to a speech which Metellus had made to the people, and is often cited by Quintilian and others<sup>2</sup>, as extant in their time.

The senate having gained this victory over Cæsar and Metellus, by obliging the one to submit, the other to leave the City; Q. Metellus Celer, who commanded in Cisalpine Gaul, wrote a peevish and complaining letter to his friend Cicero, upon their treating his brother the Tribune so severely: to which Cicero answered with that freedom, which a consciousness of integrity naturally dictates, yet with all that humanity which the sincerest friendship inspires, as the reader will observe from the letter itself, which affords many instructive hints both historical and moral.

#### M. T. Cicero to Q. Metellus Celer, Proconsul.

“ You write me word, that considering our mutual affection and late reconciliation, you never imagined, that you should be made the subject of public jest and ridicule by me. I do not well understand what you mean; yet guess that you have been told, that, when I was speaking one day in the Senate of many, who were

“ sorry for my having preserved the Republic, I  
“ said, that certain relations of yours, to whom  
“ you could refuse nothing, had prevailed with  
“ you to suppress what you had prepared to say  
“ in the Senate in praise of me: when I said this,  
“ I added, that in the affair of saving the state  
“ I had divided the task with you in such a man-  
“ ner, that I was to secure the City from intestine  
“ dangers, you to defend Italy from the open  
“ arms and secret plots of our enemies; but that  
“ this glorious partnership had been broken by  
“ your friends, who were afraid of your making  
“ me the least return for the greatest honors and  
“ services which you had received from me. In  
“ the same discourse, when I was describing the  
“ expectation which I had conceived of your  
“ speech, and how much I was disappointed by  
“ it, it seemed to divert the house, and a mode-  
“ rate laugh ensued; not upon you, but on my  
“ mistake, and the frank and ingenuous confes-  
“ sion of my desire to be praised by you. Now  
“ in this, it must needs be owned, that nothing  
“ could be said more honorably towards you,  
“ when in the most shining and illustrious part of  
“ my life, I wanted still to have the testimony of  
“ your commendation. As to what you say of  
“ our mutual affection, I do not know what you  
“ reckon mutual in friendship, but I take it to be  
“ this; when we repay the same good offices  
“ which we receive: Should I tell you then, that  
“ I gave up my province for your sake, you  
“ might justly suspect my sincerity: it suited my  
temper

“ temper and circumstances, and I find more and  
“ more reason every day to be pleased with it:  
“ but this I can tell you, that I no sooner resigned  
“ it in an assembly of the people, than I began to  
“ contrive how to throw it into your hands. I  
“ say nothing about the manner of drawing your  
“ lots; but would have you only believe, that  
“ there was nothing done in it by my colleague  
“ without my privity. Pray recollect what fol-  
“ lowed; how quickly I assembled the Senate  
“ after your allotment, how much I said in favor  
“ of you, when you yourself told me, that my  
“ speech was not only honorable to you, but  
“ even injurious to your colleagues. Then as to  
“ the decree which passed that day in the Senate,  
“ it is drawn in such a strain, that as long as it  
“ subsists, my good offices to you can never be  
“ a secret. After your departure, I desire you  
“ also to recollect what I did for you in the fe-  
“ nate, what I said of you to the people, what  
“ I wrote to you myself; and when you have  
“ laid all these things together, I leave it to you  
“ to judge, whether at your last coming to Rome  
“ you made a suitable return to them. You  
“ mention a reconciliation between us; but I do  
“ not comprehend how a friendship can be said  
“ to be reconciled, which was never interrupted.  
“ As to what you write, that your brother ought  
“ not to have been treated by me so roughly for  
“ a word: in the first place, I beg of you to be-  
“ lieve, that I am exceedingly pleased with that  
“ affectionate and fraternal disposition of yours,

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“ So full of humanity and piety; and in the second, to forgive me if in any case I have acted against your brother, for the service of the Republic, to which no man can be a warmer friend than myself: but if I have been acting only on the defensive against his most cruel attacks, you may think yourself well used, that I have never yet troubled you with any complaints against him. As soon as I found that he was preparing to turn the whole force of his Tribune to my destruction, I applied myself to your wife Claudia, and your sister Mucia, whose zeal for my service I had often experienced, on the account of my familiarity with Pompey, to dissuade him from that outrage: but he, as I am sure you have heard, on the last day of the year put such an affront upon me when Consul, and after having saved the State, as had never been offered to any Magistrate the most traiterously affected, by depriving me of the liberty of speaking to the people upon laying down my office. But his insult turned only to my greater honor: for when he would not suffer me to do any thing more than swear, I swore with a loud voice the truest, as well as the noblest of all oaths: while the people with acclamations swore likewise, that my oath was true. After so signal an injury, I sent to him the very same day some of our common friends, to press him to desist from his resolution of pursuing me; but his answer was, that it was not then in his power: for he had said a few

“ days before in a speech to the people, that he  
“ who had punished others without a hearing,  
“ ought not to be suffered to speak for himself. Wor-  
“ thy Patriot, and excellent Citizen! to adjudge  
“ the man who had preserved the Senate from a  
“ massacre, the City from fire, and Italy from a war,  
“ to the same punishment which the Senate, with  
“ the consent of all honest men, had inflicted on  
“ the authors of those horrid attempts. I with-  
“ stood your brother therefore to his face; and  
“ on the first of January, in a debate upon the  
“ Republic, handled him in such a manner, as  
“ to make him sensible, that he had to do with  
“ a man of courage and constancy. Two days  
“ after, when he began again to harangue, in  
“ every three words he named and threatened  
“ me: nor had he any thing so much at heart, as  
“ to effect my ruin at any rate; not by the legal  
“ way of trial, or judicial proceeding, but by dint  
“ of force and violence. If I had not resisted his  
“ rashness with firmness and courage, who would  
“ not have thought, that the vigor of my Con-  
“ sulship had been owing to chance, rather than  
“ to virtue? If you have not been informed, that  
“ your brother attempted all this against me, be  
“ assured that he concealed from you the most  
“ material part: but if he told you any thing of  
“ it, you ought to commend my temper and pa-  
“ tience, for not expostulating with you about it:  
“ but since you must now be sensible, that my  
“ quarrel to your brother was not, as you write,  
“ for a word, but a most determined and spiteful

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“ design to ruin me, pray observe my humanity,  
“ if it may be called by that name, and is not rather,  
“ after so flagrant an outrage, a base remissness  
“ and abjection of mind. I never proposed any  
“ thing against your brother, when there was  
“ any question about him in the Senate; but  
“ without rising from my seat, assented always to  
“ those who were for treating him the most fa-  
“ vorably. I will add farther, what I ought not  
“ indeed to have been concerned about, yet I was  
“ not displeased to see it done, and even assisted  
“ to get it done; I mean, the procuring a decree  
“ for the relief of my enemy, because he was  
“ your brother. I did not therefore attack your  
“ brother, but defended myself only against him;  
“ nor has my friendship to you ever been variable,  
“ as you write, but firm and constant, so as to  
“ remain still the same when it was even deserted  
“ and slighted by you. And at this very time,  
“ when you almost threatened me in your letter,  
“ I give you this answer, that I not only forgive,  
“ but highly applaud your grief; for I know, from  
“ what I feel within myself, how great the force  
“ is of fraternal love: but I beg of you also to  
“ judge with the same equity of my cause; and  
“ if, without any ground, I have been cruelly  
“ and barbarously attacked by your friends, to  
“ allow that I ought not only not to yield to  
“ them, but on such an occasion to expect the  
“ help even of you and your army also against  
“ them. I was always desirous to have you for  
“ my friend, and have taken pains to convince

“ you how sincerely I am yours; I am still of  
 “ the same mind, and shall continue in it as long  
 “ as you please; and, for the love of you, will  
 “ sooner cease to hate your brother, than, out  
 “ of resentment to him, give any shock to the  
 “ friendship which subsists between us. Adieu.”

Cicero, upon the expiration of his Consulship, took care to send a particular account of his whole administration to Pompey; in hopes to prevent any wrong impression there from the calumnies of his enemies, and to draw from him some public declaration in praise of what he had been doing. But Pompey being informed by Metellus and Cæsar of the ill humor which was rising against Cicero in Rome, answered him with great coldness, and, instead of paying him any compliment, took no notice at all of what had passed in the affair of Catiline: upon which Cicero expostulates with him in the following letter with some little resentment, yet so, as not to irritate a man of the first authority in the Republic, and to whom all parties were forwardly paying their court.

M. T. Cicero to Cn. Pompeius the Great,  
 “ Emperor”.

“ I had an incredible pleasure, in common  
 “ with all people, from the public letter which  
 “ you sent: for you gave us in it that assurance  
 “ of peace, which from my confidence in you  
 “ alone I had always been promising. I must

“ tell you, however, that your old enemies, but  
“ new friends, are extremely shocked and dis-  
“ appointed at it. As to the particular letter  
“ which you sent to me; though it brought me  
“ so slight an intimation of your friendship, yet  
“ it was very agreeable: for nothing is apt to  
“ give me so much satisfaction; as the conscious-  
“ ness of my services to my friends; and if at  
“ any time they are not requited as they ought  
“ to be; I am always content that the balance  
“ of the account should rest on my side. I make  
“ no doubt, however, but that, if the distingui-  
“ shed zeal, which I have always shown for your  
“ interests, has not yet sufficiently recommended  
“ me to you, the public interest at least will con-  
“ ciliate, and unite us. But that you may not  
“ be at a loss to know what it was which I ex-  
“ pected to find in your letter, I will tell it you  
“ frankly, as my own nature and our friendship  
“ require. I expected, out of regard both to  
“ the Republic and to our familiarity, to have  
“ had some compliment or congratulation from  
“ you on what I lately acted in my Consulship;  
“ which you omitted, I imagine, for fear of giv-  
“ ing offence to certain persons: but I would  
“ have you to know, that the things which I  
“ have been doing for the safety of my country,  
“ are applauded by the testimony and judgment  
“ of the whole earth; and when you come a-  
“ mongst us, you will find them done with so  
“ much prudence and greatness of mind, that  
“ you, who are much superior to Scipio, will

"admit me, who am not much inferior to Lælius,  
"to a share both of your public counsels and  
"private friendship. Adieu <sup>12</sup>."

Soon after Catiline's defeat, a fresh inquiry was set on foot at Rome against the rest of his accomplices, upon the information of one L. Vettius; who, among others, impeached J. Cæsar before Novius Niger the Quæstor, as Q. Curius also did in the Senate; where, for the secret intelligence, which he had given very early to Cicero, he claimed the reward which had been offered to the first discoverer of the plot. He affirmed, that what he deposed against Cæsar was told to him by Catiline himself; and Vettius offered to produce a letter to Catiline in Cæsar's own hand. Cæsar found some difficulty to repel so bold an accusation, and was forced to implore the aid and testimony of Cicero to prove that he also had given early information of Catiline's designs: but by his vigor and interest in the City, he obtained a full revenge at last upon his accusers; for he deprived Curius of the reward, and got Vettius committed to prison; after he had been miserably handled, and almost killed, by the mob; nor content with this, he imprisoned the Quæstor Novius too, for suffering a superior magistrate to be arraigned before him".

Several others, however, of considerable rank were found guilty and banished; some of them not appearing to their citation, others after a trial; viz. M. Porcius Lecca, C. Cornelius, L. Vargun-  
teius, Servius Sylla, and P. Autronius, &c. The last of these, who lost the Consulship four years

before, upon a conviction of bribery, had been Cicero's school-fellow, and colleague in the Quæstorship; and solicited him with many tears to undertake his defence: but Cicero not only refused to defend him, but, from the knowledge of his guilt, appeared as a witness against him".

P. Sylla also, Antroniūs's partner and fellow-sufferer in the cause of bribery, was now tried for conspiring twice with Catiline; once, when the plot proved abortive, soon after his former trial; and a second time, in Cicero's Consulship: he was defended in the first by Hortensius, in the last by Cicero. The prosecutor was Torquatus, the son of his former accuser, a young nobleman of great parts and spirit; who ambitious of the triumph of ruining an enemy, and fearing that Cicero would snatch it from him, turned his railing against Cicero instead of Sylla; and to take off the influence of his authority, treated his character with great petulance, and employed every topic which could raise an odium and envy upon him: he called him a King, who assumed a power to save or destroy, just as he thought fit; said, that he was the third foreign King who had reigned in Rome after Numa and Tarquinius; and that Sylla would have run away and never stood a trial, if he had not undertaken his cause; whenever he mentioned the plot and the danger of it, it was with so low and feeble a voice, that none but the judges could hear him; but when he spoke of the prison and the death of the conspirators, he uttered it in so loud and lamentable a strain, as to make the whole Forum ring with it".

Cicero therefore, in his reply, was put to the trouble of defending himself, as well as his client. " As to Torquatus's calling him a foreigner, on the account of his being born in one of the corporate Towns of Italy, he owns it; and in that Town, " he says, " whence the Republic had been twice preserved from ruin; and was glad that he had nothing to reproach him with, but what affected not only the greatest part, but the greatest men of the City; Curius, Coruncanius, Cato, Marius, &c. but since he had a mind to be witty, and would needs make him a foreigner, why did not he call him a foreign Consul, rather than a King; for that would have been much more wonderful, since foreigners had been Kings, but never Consuls of Rome. He admonishes him, who was now in the course of his ferment, not to be so free of giving that title to Citizens, lest he should one day feel the resentment and power of such foreigners: that if the Patricians were so proud, as to treat him and the judges upon the bench as foreigners, yet Torquatus had no right to do it, whose mother was of Asculum ". Do not call me then Foreigner any more, " says he, " lest it turn upon yourself; nor a King, lest you be laughed at; unless you think it kingly, to live so as not to be a slave, not only to any man, but even to any appetite; to contemn all sensual pleasures; to covet no man's gold or silver, or any thing else; to speak one's mind

“freely in the Senate; to consult the good, “rather than the humor of the people; to “give way to none, but to withstand many: “If you take this to be kingly I confess myself “a King: but if the insolence of my power, if “my dominion, if any proud or arrogant saying of mine provokes you, why do not you “urge me with that, rather than the envy of a “name, and the contumely of a groundless “calumny?”—He proceeds to show, “that his “kingdom, if it must be called so, was of so “laborious a kind, that there was not a man “in Rome who would be content to take his “place.” He puts him in mind, “that “he was disposed to indulge and bear with his “pertinacess, out of regard to his youth and to “his father—though no man had ever thrown “the slightest aspersion upon him, without being “chastised for it—but that he had no mind to “fall upon one whom he could so easily van- “quish; who had neither strength, nor age, “nor experience enough for him to contend “with: he advised him however not to abuse “his patience much longer, lest he should be “tempted at last to draw out the stings of his “speech against him.” As to the merits of the cause, though there was no positive proof, yet there were many strong presumptions against Sylla, with which his adversary hoped to oppress him: but Cicero endeavoured to confute them, by appealing “to the tenor and character of his “life; protesting in the strongest terms, that

“ he, who had been the searcher and detector of the plot, and had taken such pains to get intelligence of the whole extent of it, had never met with the least hint or suspicion of Sylla's name in it; and that he had no other motive for defending him, but a pure regard to justice; and as he had refused to defend others, nay, had given evidence against them from the knowledge of their guilt, so he had undertaken Sylla's defence through a persuasion of his innocence ”. ” Torquatus for want of direct proof, threatened to examine Sylla's slaves by torture: this was sometimes practised upon the demand of the Prosecutor; but Cicero observes upon it, “ that the effect of those torments was governed always by the constitution of the patient, and the firmness of his mind and body; by the will and pleasure of the torturer, and the hopes and fears of the tortured; and that in moments of so much anguish there could be no room for truth: he bids them put Sylla's life to the rack, and examine that with rigor; whether there was any hidden lust, any latent treason, any cruelty, any audaciousness in it; that there could be no mistake in the cause, if the voice of his perpetual life, which ought to be of the greatest weight, was but attended to ”. ” Sylla was acquitted; but Cicero had no great joy from his victory, or comfort in preserving such a Citizen, who lived afterwards in great confidence with Cæsar, and com-

manded his right wing in the battle of Pharsalia<sup>21</sup>; and served him afterwards in his power, as he had before served his kinsman Sylla, in managing his confiscations and the sale of the forfeited estates.

About the time of this trial Cicero bought a house of M. Crassus, on the Palatine hill, adjoining to that in which he had always lived with his father, and which he is now supposed to have given up to his brother Quintus. The house cost him near thirty thousand pounds, and seems to have been one of the noblest in Rome; it was built about thirty years before by the famous Tribune, M. Livius Drusus; on which occasion we are told, that when the architect promised to build it for him in such a manner, that none of his neighbours should overlook him: But if you have any skill, replied Drusus, contrive it rather so, that all the world may see what I am doing<sup>22</sup>. It was situated in the most conspicuous part of the city, near to the centre of all business, overlooking the Forum and the Rostra; and what made it the more splendid, was its being joined to a Portico or Colonade, called by the name of Catulus; who build it out of the Cimbric spoils, on that area where Flaccus formerly lived, whose house was demolished by public authority for his seditious practices with C. Gracchus<sup>23</sup>. In this purchase he followed the Rule which he recommends in his Offices, with regard to the habitation of a principal Citizen; that his dignity should be adorned by his house, but not derived from it<sup>24</sup>: where he menti-

ons, several instances of great men, who by the splendor of their houses on this very hill, which were constantly striking the eyes of the people, and imprinting a notion of their magnificence, made their way the more easily to the highest honors of the Republic.

A. Gellius tells us, that having resolved to buy the house, and wanting money to pay for it, he borrowed it privately of his client Sylla, when he was under prosecution; but the story taking wind, and being charged upon him, he denied both the borrowing and design of purchasing, yet soon after bought the house; and when he was reproached with the denial of it, replied only laughing, that they must be fools to imagine, that when he had resolved to buy, he would raise competitors of the purchase by proclaiming it <sup>11</sup>.

The story was taken probably from some of the spurious collections of Cicero's Jests; which were handed about not only after his death, but even in his life-time, as he often complains to his friends <sup>12</sup>; for it is certain, that there could be nothing dishonorable in the purchase, since it was transacted so publicly, that before it was even concluded, one of his friends congratulated him upon it by letter from Macedonia <sup>13</sup>. The truth is, and what he himself does not dissemble, that he borrowed part of the money to pay for it, at six per cent.; and says merrily upon it, that he was now so plunged in debt, as to be ready for a plot, but that the conspirators would not trust him <sup>14</sup>. It raised indeed some censure upon his vanity,

for purchasing so expensive a house with borrowed money: but Messala, the Consul, happening soon after to buy Autronius's house at a greater price, and with borrowed money too, it gave him some pleasure, that he could justify himself by the example of so worthy a Magistrate: By Messala's purchase, says he, I am thought to have made a good bargain; and men begin to be convinced that we may use the wealth of our friends, in buying what contributes to our dignity".

But the most remarkable event which happened in the end of this year, was the pollution of the mysteries of the Bona Dea, or the Good Goddess by P. Clodius; which by an unhappy train of consequences, not only involved Cicero in an unexpected calamity, but seems to have given the first blow towards the ruin of the Republic. Clodius was now Quæstor, and by that means a Senator; descended from the noblest family in Rome, in the vigor of his age, and a graceful person, lively wit, and flowing eloquence; but with all the advantages of nature he had a mind incredibly vicious; was fierce, insolent, audacious, but above all, most profligately wicked, and an open contemner of Gods and men; valuing nothing, that either nature or the laws allowed; nothing, but in proportion as it was desperate and above the reach of other men; disdaining even honors in the common forms of the Republic; nor relishing pleasures, but what were impious, adulterous, incestuous". He had an intrigue with Cæsar's wife Pompeia, who,

according to annual custom, was now celebrating in her house those awful and mystic sacrifices of the Goddess, to which no male creature was ever admitted, and where every thing masculine was so scrupulously excluded, that even pictures of that sort were covered during the ceremony<sup>11</sup>. This was a proper scene for Clodius's genius to act upon; an opportunity of daring, beyond what man had ever dared before him: the thought of mixing the impurity of his lusts with the sanctity of these venerable rites flattered his imagination so strongly, that he resolved to gain access to his mistress in the very midst of her holy ministry. With this view he dressed himself in a woman's habit, and by the benefit of his smooth face, and the introduction of one of the maids, who was in the secret, hoped to pass without discovery; but by some mistake between him and his guide, he lost his way when he came within the house, and fell in unluckily among the other female servants, who detecting him by his voice, alarmed the whole company by their shrieks, to the great amazement of the matrons, who presently threw a veil over the sacred mysteries, while Clodius found means to escape by the favor of some of the damsels<sup>12</sup>.

The story was presently spread abroad, and raised a general scandal and horror through the whole city: in the vulgar, for the profanation of a religion held the most sacred of any in Rome; in the better sort, for it's offence to good manners, and the discipline of the Republic. Cæsar

put away his wife upon it ; and the honest of all ranks were for pushing this advantage against Clodius as far as it would go, in hopes to free themselves by it of a citizen, who by this, as well as other specimens of his audaciousness, seemed born to create much disturbance to the State". It had been the constant belief of the populace, that if any man should ever pry into these mysteries, he would be instantly struck blind : But it was not possible, as Cicero says, to know the truth of it before, since no man, but Clodius, had ever ventured upon the experiment : though it was now found, as he tells him, that the blindness of the eyes was converted to that of the mind".

A. Urb. 692. The affair was soon brought before the Senate ;  
 Cic. 46. where it was resolved, to refer it to the College  
 Coss. of Priests, who declared it to be an abominable  
 M. PUPIUS impiety ; upon which the Consuls were ordered  
 Piso, to provide a law for bringing Clodius to a trial  
 M. VALERI- for it before the people". But Q. Fufius Calenus  
 usMESSALA. one of the Tribunes, supported by all the Clodian  
 faction, would not permit the law to be offered  
 to the suffrage of the Citizens. This raised a  
 great ferment in the city, while the Senate adhered  
 to their former resolution, though the Consul  
 Piso used all his endeavours to divert them from  
 it, and Clodius in an abject manner threw himself  
 at the feet of every Senator ; yet after a second  
 debate in a full house, there were fifteen only  
 who voted on Clodius's side, and four hundred  
 directly against him ; so that a fresh decree passed,  
 to

to order the Consuls to recommend the law to the people with all their authority, and that no other business should be done, till it was carried"; but this being likely to produce great disorders; Hortensius proposed an expedient, which was accepted by both parties, that the Tribune Fufus should publish a law for the trial of Clodius by the Prætor with a select bench of judges. The only difference between the two laws was, whether he should be tried by the people, or by particular judges: but this, says Cicero, was every thing; Hortensius was afraid, lest he should escape in this squabble, without any trial; being persuaded, that no judges could absolve him, and that a sword of lead, as he said, would destroy him. But the Tribune knew that in such a trial there would be room for intrigue, both in chusing and corrupting the judges, which Cicero likewise foresaw from the first; and wished therefore to leave him rather to the effect of that odium, in which his character then lay, than bring him to a trial where he had any chance to escape".

Clodius's whole defence was, to prove himself absent at the time of the fact; for which purpose he produced men to swear, that he was then at Interamna, about two or three days journey from the city. But Cicero being called upon to give his testimony, deposed, that Clodius had been with him that very morning at his house in Rome". As soon as Cicero appeared in the court, the Clodian mob began to insult him with great rudeness; but the judges rose up, and received him with such

respect, that they presently secured him from all farther affronts". Cæsar, who was the most particularly interested in the affair, being summoned also to give evidence, declared, that he knew nothing at all of the matter; though his mother Aurelia and sister Julia, who were examined before him, had given a punctual relation of the whole fact; and being interrogated, how he came then to part with his wife? he replied, that all who belonged to him ought to be free from suspicion as well as guilt". He saw very well how the thing was like to turn, and had no mind to exasperate a man of Clodius's character, who might be of good service to him for the advancement of his future projects. Plutarch says, that Cicero himself was urged on to this act against his will, by the importunity of his wife: a fierce, imperious dame, jealous of Clodius's sister, whom she suspected of some design to get Cicero from her, which by this step she hoped to make desperate. The story does not seem improbable; for before the trial, Cicero owns himself to be growing every day more cool and indifferent about it; and in his railings with Clodius after it, touches upon the forward advances which his sister had made towards him; and at the very time of giving his testimony, did it with no spirit, nor said anything more, as he tells us, than what was so well known, that he could not avoid saying it".

The judges seemed to act at first with great gravity; granted every thing that was asked by the prosecutors; and demanded a guard to pro-

tect them from the mob : which the Senate readily ordered, with great commendation of their prudence : but when it came to the issue, twenty-five only condemned, while thirty-one absolved him. Crassus is said to have been Clodius's chief manager, in tampering with the judges ; employing every art and instrument of corruption, as to fritter the different tempers of the men ; " and where " money would not do, offering even certain " ladies and young men of quality to their plots " sure. Cicero says, that a more scandalous some " party of sharpers never sat down at a gaming- " table ; infamous Senators, beggarly Knights, " with a few honest men among them, whom " Clodius could not exclude ; who in a crew so " unlike to themselves, sat with sad and monon- " ful faces, as if afraid of being infected with " the contagion of their infamy ; and that Catulus, meeting one of them, asked him, what " they meant by desiring a guard ? where they " afraid of being robbed of the money which " Clodius had given them ?" — *De Senectute.*

This transaction however gave a very serious concern to Cicero, who laments, " that the firm " and quiet state of the Republic, which he had " established in his Consulship, and which seemed " to be founded in the union of all good men, " was now lost and broken, if some Deity did not " interpose, by this single judgment ; if that," says he, " can be called a judgment, for thirty of " the most contemptible scoundrels of Rome to " violate all that is just and sacred for the sake of

“ money ; and vote that to be false, which all  
“ the world knows to be true.” As he looked  
upon himself to be particularly affronted by a sen-  
tence, given in flat contradiction to his testimony,  
so he made it his business on all occasions to dis-  
play the iniquity of it, and to sting the several  
actors in it with all the keenness of his railing”.  
In a debate soon after in the Senate on the state  
of the Republic, taking occasion to fall upon this  
affair, he “ exhorted the Fathers not to be discou-  
“ raged for having received one single wound;  
“ which was of such a nature, that it ought nei-  
“ ther to be dissembled, nor to be feared ; for to  
“ fear it, was a meanness : and not to be sensible  
“ of it, a stupidity : That Lentulus was twice ac-  
“ quitted : Catiline also twice ; and this man was  
“ the third, whom a bench of judges had let  
“ loose upon the Republic. But thou art mis-  
“ taken, Clodius,” says he; “ the judges have not  
“ reserved thee for the city, but for a prison :  
“ they designed thee no kindness by keeping thee  
“ at home, but to deprive thee of the benefit of  
“ an exile. Wherefore, Fathers, rouse your usual  
“ vigor; resume your dignity ; there subsists still  
“ the same union among the honest ; they have  
“ had indeed a fresh subject of mortification, yet  
“ their courage is not impaired by it : no new  
“ mischief has befallen us ; but that only, which  
“ lay concealed, is now discovered, and by the  
“ trial of one desperate man many others are  
“ found to be as bad as he ”.”

Clodius, not caring to encounter Cicero by

formal speeches, chose to tease him with raillery, and turn the debate into ridicule. You are a fine Gentleman indeed, says he, and have been at Baiae. That's not so fine, replied Cicero, as to be caught at the mysteries of the Goddesses. But what, says he, has a clown of Arpinum to do at the hot wells? Ask that friend of yours, replied Cicero, who had a month's mind to your Arpinum clown": You have bought a house, says he " : You should have said, Judges, replied Cicero: Those judges, says he, would not believe you upon your oath: Yes, replied Cicero, twenty-five of them gave credit to me; while the rest would not give any to you, but made you pay your money beforehand. This turned the laugh so strongly on Cicero's side, that Clodius was confounded, and forced to sit down". But being now declared enemies, they never met without some strokes of this kind upon each other; which, as Cicero observes, must needs appear flat in the narration, since all their force and beauty depended on the smartness of the contention, and the spirit with which they were delivered".

The present Consuls were M. Pupius Piso and M. Messala; the first of whom, as soon as he entered into office, put a slight affront upon Cicero; for his opinion having been asked always the first by the late Consuls, Piso called upon him only the second, on Catulus the third, Hortensius the fourth: This, he says, did not displease him, since it left him more at liberty in his voting; and freed him from the obligation of any complais-

sance to a man whom he despised". This Consul was warmly in the interests of Clodius; not so much out of friendship, as a natural inclination to the worst side: for according to Cicero's account of him, he was a man "of a weak and " wicked mind; a cholifl, captious sneerer, " without any turn of wit; and making men " laugh by his looks rather than jests; favoring " neither the popular, nor the aristocratical party; " from whom no good was to be expected, be- " cause he wished none; nor hurt to be feared, " because he durst do none; who would have " been more vicious, by having one vice the less, " sloth and laziness, &c." Cicero frankly used the liberty, which this Consul's behaviour allowed him, of delivering his sentiments without any reserve; giving Piso himself no quarter, but exposing every thing that he did and said in favor of Clodius, in such a manner, as to hinder the Senate from decreeing to him the province of Syria, which had been designed and in a manner promised to him". The other Consul, Melfala, was of a quite different character; a firm and excellent magistrate, in the true interests of his country, and a constant admirer and imitator of Cicero".

About this time Cicero is supposed to have made that elegant oration, still extant, in the defence of his old Preceptor, the Poet Archias: he expected for his pains an immortality of fame from the praise of Archias's muse; but by a contrary fate of things, instead of deriving any addition of

glory from Archias's compositions, it is wholly owing to his own, that the name of Archias has not long ago been buried in oblivion. From the great character given by him of the talents and genius of this Poet, we cannot help regretting the entire loss of his works : he had sung in Greek verse the triumphs of Marius over the Cimbri, and of Lucullus over Mithridates ; and was now attempting the Consulship of Cicero " : but this perished with the rest, or was left rather unfinished and interrupted by his death, since we find no farther mention of it in any of Cicero's later writings.

Pompey the Great returned to Rome about the beginning of this year, in the height of his fame and fortunes, from the Mithridatic war. The city had been much alarmed about him by various reports from abroad, and several tumults at home ; where a general apprehension prevailed, of his coming at the head of an army to take the government into his hands ". It is certain, that he had it now in his power to make himself Master of the Republic, without the hazard even of a war, or any opposition to control him. Cæsar, with the Tribune Metellus, was inviting him to it, and had no other ambition at present than to serve under him : but Pompey was too phlegmatic to be easily induced to so desperate a resolution ; or seems rather indeed to have had no thoughts at all of that sort, but to have been content with the rank which he then possessed, of the first Citizen of Rome, without a rival. He had lived in a perpe-

tual course of success and glory, without any flur either from the Senate or the people, to inspire him with sentiments of revenge, or to give him a pretence for violent measures; and he was persuaded, that the growing disorders of the city would soon force all parties to create him Dictator, for the settlement of the state; and thought it of more honor to his character to obtain that power by the consent of his citizens, than to extort it from them by violence. But whatever apprehensions were conceived of him before his coming, they all vanished at his arrival; for he no sooner set foot in Italy, than he disbanded his troops, giving them orders only to attend him in his Triumph; and with a private retinue pursued his journey to Rome, where the whole body of the people came out to receive him with all imaginable gratulations and expressions of joy for his happy return".

By his late victories he had greatly extended the barrier of the empire into the continent of Asia, having added to it three powerful Kingdoms", Pontus, Syria, Bithynia, which he reduced to the condition of Roman Provinces; leaving all the other Kings and nations of the East tributary to the Republic, as far as the Tigris. Among his other conquests he took the city of Jerusalem, by the opportunity of a contest about the crown between the two brothers Hircanus and Aristobulus: The lower Town was surrendered to him with little or no opposition; but the Fortress of the Temple cost him a siege of three months; nor would he have taken it then so easily, as Dio tells

us ", had it not been for the advantage, that the besieged gave him by the observance of their weekly Sabbaths, on which they abstained so religiously from all work, as to neglect even their necessary defence. He showed great humanity to the people, and touched no part of the sacred treasure, or vessels of gold, which were of an immense value "; yet was drawn by his curiosity into such a profanation of their Temple, as mortified them more than all that they had suffered by the war: for in taking a view of the buildings, he entered with his officers, not only into the Holy Place where none but the Priests, but into the Holy of Holies, where none but the High Priest was permitted by the law to enter: by which act, as a very eminent writer, more piously perhaps than judiciously remarks, he drew upon himself the curse of God, and never prospered afterwards ". He carried Aristobulus and his children prisoners to Rome, for the ornament of his Triumph; and settled Hircanus in the government and the High Priesthood, but subject to a tribute. Upon the receipt of the public letters, which brought the account of his success, the Senate passed a decree, that, on all festival days, he should have the privilege to wear a laurel crown with his General's robe; and in the Equestrian races of the Circus, his triumphal habit: an honor, which when he had once used, to show his grateful sense of it, he ever after prudently declined; since without adding any thing to his power, it could serve only to increase the envy, which many were endeavouring to stir up against him ".

On the merit of these great services he did many acts abroad of a very extraordinary nature ; gave what laws he pleased to the whole East ; distributed the conquered countries at discretion to the Kings and Princes who had served him in the wars ; built twenty-nine new cities, or colonies ; and divided to each private soldier about fifty pounds sterling, and to his officers in proportion, so that the whole of his donative is computed to amount to above three millions of our money".

His first business therefore after his return, and what he had much at heart, was to get these acts ratified by public authority. The popular faction promised him every thing, and employed all their skill to divert him from an union with Cicero and the Senate, and had made a considerable impression upon him : but he found the state of things very different from their representations, saw Cicero still in high credit ; and by his means the authority of the Senate much respected ; which obliged him to use great management, and made him so cautious of offending any side, that he pleased none. Cicero says of his first speech, that it was neither agreeable to the poor, nor relished by the rich ; disappointed the seditious, yet gave no satisfaction to the honest ". As he happened to come home in the very heat of Clodius's affair, so he was presently urged by both parties to declare for the one and the other. Fufius, a busy factious Tribune, demanded of him before the people, what he thought of Clodius's being tried by the Praetor and a bench of Judges ? To which he answered very

aristocratically, as Cicero calls it; That he had ever taken the authority of the Senate to be of the greatest weight in all cases. And when the Consul Messala asked him in the Senate, what his opinion was of that profanation of religion, and the law proposed about it? he took occasion, without entering into particulars, to applaud in general all that the Senate had done in it; and upon sitting down, told Cicero, who sat next to him, that he had now said enough, he thought, to signify his sentiment of the matter".

Crassus observing Pompey's reserve, resolved to push him to a more explicit declaration, or to get the better of him at least in the good opinion of the Senate; rising up therefore to speak, he launched out, in a very high strain, into the praises of Cicero's Consulship; declaring himself indebted to it, for his being at that time a Senator and a Citizen; nay, for his very liberty and his life; and that as often as he saw his wife, his family, and his country, so often he saw his obligations to Cicero. This discomposed Pompey, who was at a loss to understand Crassus's motive; whether it was to take the benefit of an opportunity which he had omitted, of ingratiating himself with Cicero; or that he knew Cicero's acts to be in high esteem, and the praise of them very agreeable to the Senate; and it piqued him the more, for it's coming from a quarter, whence it was least to be expected; from one, whom Cicero out of regard to him had always treated with a particular slight. The incident however, raised Cicero's spirits, and made him exert himself before his new hearer, Pompey, with all

the pride of his eloquence : his topics were , the firmness and gravity of the Senate ; the concord of the Equestrian order ; the concurrence of all Italy ; the lifeless remains of a baffled conspiracy ; the peace and plenty which had since succeeded : all which he displayed with his utmost force , to let Pompey see his ascendant still in that assembly , and how much he had been imposed upon by the accounts of his new friends “. Pompey likewise on his side began presently to change his tone , and affected on all public occasions to pay so great a court to Cicero , that the other faction gave him the nickname of Cnaeus Cicero : and their seeming union was so generally agreeable to the city , that they were both of them constantly clapped , whenever they appeared in the Theatre , without a hiss from any quarter “. Yet Cicero easily discovered that all this outward civility was but feigned and artificial ; that he was full of envy within , and had no good intentions towards the public ; nothing candid or sincere ; nothing great , generous , or free in him “.

There was one point which Pompey resolved to carry this summer , against the universal inclination of the city ; the election of L. Afranius , one of his creatures to the Consulship : in which he fights , says Cicero , neither with authority , nor interest , but with what Philip of Macedon took every fortress , into which he could drive a loaded ass “. Plutarch says , that he himself distributed the money openly in his own gardens : but Cicero mentions it as a current report , that the Consul

Piso had undertaken to divide it at his house : which gave birth to two new laws , drawn up by Cato and his brother in law Domitius Ahenobarbus , and supposed to be levelled at the Consul ; the one of which gave a liberty to search the houses even of Magistrates , on informations of bribery ; the other declared all those enemies to the State , at whose houses the dividers of money were found " . Pompey however obturded Afranius upon the city , by which he disgusted all the better sort both of the Senate and people " .

He had been making preparation all this summer for his Triumph , which he deferred to his birth-day , the thirtieth of September ; having resided in the mean while , as usual , in the suburbs : so that the Senate and people , in compliment to him , held their assemblies generally , during that time , without the walls ; some of which are mentioned to have been in the Flaminian Circus " . His Triumph lasted two days , and was the most splendid which had ever been seen in Rome : he built a Temple to Minerva out of the spoils , with an inscription giving a summary of his victories : That he had finished a war of thirty years , had vanquished , slain , and taken two millions , one hundred and eighty - three thousand men , sunk or taken eight hundred and forty - six ships ; reduced to the power of the Empire a thousand five hundred and thirty - eight towns and fortresses ; and subdued all the countries between the lake Maeotis and the Red Sea " .

Quintus Cicero , who , by the help and interest

of his brother, was following him at a proper distance, through all the honors of the State, having been Praetor the last year; now obtained the government of Asia; a rich and noble Province, comprehending the greatest part of what is called Asia Minor. Before he went to take possession of it, he earnestly pressed Atticus, whose sister he married, to go along with him as one of his Lieutenants; and resented his refusal so heinously, that Cicero had no small trouble to make them friends again. There is an excellent letter on this subject from Cicero to Atticus; which I cannot forbear inserting, for the light which it gives us into the genuine character of all the three, as well as of other great men of those times, with a short account also of the present state of the Republic.

#### Cicero to Atticus.

“ I perceive from your letter, and the copy of  
“ my brother’s, which you sent with it, a great  
“ alteration in his affection and sentiments with  
“ regard to you: which affects me with all that  
“ concern, which my extreme love for you both  
“ ought to give me; and with wonder at the  
“ same time, what could possibly happen either  
“ to exasperate him so highly, or to effect so  
“ great a change in him. I had observed indeed  
“ before, what you also mistrusted at your leaving  
“ us, that he had conceived some secret disgust,  
“ which shocked and filled his mind with odious  
“ suspicions: which though I was often attempt-

“ ing to heal, and especially after the allotment  
“ of his Province, yet I could neither discover  
“ that his resentment was so great, as it appears  
“ to be from your letter, nor find, that what I  
“ said had so great an effect upon him as I wished.  
“ I comforted myself however with a persuasion,  
“ that he would contrive to see you at Dyrrha-  
“ chium, or some other place in those parts; and  
“ in that case made no doubt, but that all would  
“ be set right; not only by your discourse and  
“ talking the matter over between yourselves, but  
“ by the very sight and mutual embraces of each  
“ other; for I need not tell you, who know it  
“ as well as myself, what a fund of good nature  
“ and sweetness of temper there is in my brother,  
“ and how apt he is, both to take and to forgive  
“ an offence. But it is very unlucky, that you  
“ did not see him; since, by that means, what  
“ others have artfully inculcated, has had more  
“ influence on his mind, than either his duty, or  
“ his relation to you, or your old friendship,  
“ which ought to have had the most. Where  
“ the blame of all this lies, it is easier for me to  
“ imagine, than to write; being afraid, lest,  
“ while I am excusing my own people, I should  
“ be too severe upon yours; for as ~~take~~ the case  
“ to be, if those of his own family did not make  
“ the wound, they might at least have cured it.  
“ When we see one another again, I shall explain  
“ to you more easily the source of the whole evil,  
“ which is spread somewhat wider than it seems  
“ to be. — As to the letter which he wrote to

“ you from Thessalonica, and what you suppose  
“ him to have said of you to your friends at Rome,  
“ and on the road, I cannot conceive what could  
“ move him to it. But all my hopes of making  
“ this matter easy depend on your humanity: for  
“ if you will but reflect, that the best men are  
“ often the most easy, both to be provoked, and  
“ to be appeased; and that this quickness, if I  
“ may so call it, or flexibility of temper, is gene-  
“ rally the proof of a good nature; and above  
“ all, that we ought to bear with one another's  
“ infirmities or faults, or even injuries: this trou-  
“ blesome affair, I hope, will soon be made up  
“ again. I beg of you that it may be so. For it  
“ ought to be my special care, from the singular  
“ affection which I bear to you, to do every thing  
“ in my power, that all, who belong to me, may  
“ both love and be beloved by you. There was  
“ no occasion for that part of your letter, in which  
“ you mention the opportunities, which you have  
“ omitted of employments both in the City and  
“ the Provinces, as well at other times, as in  
“ my Consulship; I am perfectly acquainted with  
“ the ingenuity and greatness of your mind; and  
“ never thought that there was any other differ-  
“ ence between you and me, but in a different  
“ choice and method of life: whilst I was drawn,  
“ by a sort of ambition, to the desire and pursuit  
“ of honors; you, by other maxims, in no wise  
“ blamable, to the enjoyment of an honorable  
“ retreat. But for the genuine character of pro-  
“ bity, diligence, exactness of behaviour, I neither  
“ prefer

“ prefer myself, nor any man else to you: and as  
“ for love to me, after my brother and my own  
“ family, I give you always the first place. For  
“ I saw, and saw it in a manner the most affecting,  
“ both your solicitude and your joy, in all the  
“ various turns of my affairs; and was often  
“ pleased, as well with the applause, which you  
“ gave me in success, as the comfort, which you  
“ administered in my fears: and even now, in  
“ the time of your absence, I feel and regret the  
“ loss, not only of your advice, in which you  
“ excel all; but of that familiar chat with you,  
“ in which I used to take so much delight.  
“ Where then shall I tell you that I most want  
“ you? in public affairs? where it can never be  
“ permitted to me to sit idle; or in my labors at  
“ the bar? which I sustained before through am-  
“ bition, but now, to preserve my dignity: or  
“ in my domestic concerns? where, though I  
“ always wanted your help before, yet since the  
“ departure of my brother, I now stand the more  
“ in need of it. In short, neither in my labors,  
“ nor rest; neither in business, nor retirement;  
“ neither in the Forum, nor at home; neither in  
“ public, nor in private affairs, can I live any  
“ longer without your friendly counsel, and en-  
“ dearing conversation. We have often been re-  
“ strained on both sides, by a kind of shame,  
“ from explaining ourselves on this article; but I  
“ was now forced to it by that part of your  
“ letter, in which you thought fit to justify yourself  
“ and your way of life to me. — But to return to my

“ brother; in the present state of the ill humor  
“ which he expresses towards you, it happens  
“ however conveniently, that your resolution of  
“ declining all employments abroad was declared  
“ and known long beforehand, both to me and  
“ your other friends; so that your not being now  
“ together cannot be charged to any quarrel or  
“ rupture betweeu you, but to your judgment  
“ and choice of life. Wherefore both this breach  
“ in your union will undoubtedly be healed again,  
“ and your friendship with me remain for ever  
“ inviolable, as it has hitherto been. — We live  
“ here in an infirm, wretched, tottering Republic:  
“ for you have heard, I gues, that our Knights  
“ are now almost disjoined again from the Senate.  
“ The first thing which they took amiss, was the  
“ decree for calling the judges to account, who  
“ had taken money in Clodius's affair: I hap-  
“ pened to be absent when it passed; but hear-  
“ ing afterwards that the whole order resented it,  
“ though without complaining openly, I chid the  
“ Senate, as I thought, with great effect; and in  
“ a cause not very modest, spoke forcibly and  
“ copiously. They have now another curious  
“ petition, scarce fit to be endured: which yet I  
“ not only bore with, but defended. The com-  
“ pany, who hired the Asiatic revenues of the  
“ Censors, complained to the Senate, that,  
“ through too great an eagerness, they had given  
“ more for them than they are worth, and beg-  
“ ged to be released from the bargain. I was  
“ their chief advocate, or rather indeed the

“ second ; for Crassus was the man , who put them  
“ upon making this request. The thing is odious  
“ and shameful , and a public confession of their  
“ rashness : but there was great reason to apprehend , that if they should obtain nothing , they  
“ would be wholly alienated from the Senate ; so  
“ that this point also was principally managed by  
“ me. For , on the first and second of December ,  
“ I spoke a great deal on the dignity of the  
“ two orders , and the advantages of the concord  
“ between them , and was heard very favorably  
“ in a full house. Nothing however is yet done ;  
“ but the Senate appears well disposed : for Me-  
“ tellus , the Consul elect , was the only one , who  
“ spoke against us : though that Hero of ours ,  
“ Cato , was going also to speak , if the shortness  
“ of the day had not prevented him. Thus , in  
“ pursuit of my old measures , I am supporting ,  
“ as well as I can , that concord which my Con-  
“ fulship had cemented : but since no great stress  
“ can now be laid upon it , I have provided  
“ myself another way , and a sure one , I hope , of  
“ maintaining my authority ; which I cannot well  
“ explain by letter , yet will give you a short hint  
“ of it. I am in strict friendship with Pompey —  
“ I know already what you say — and will be upon  
“ my guard , as far as caution can serve me ; and  
“ give you a farther account , some other time ,  
“ of my present conduct in politics. You are to  
“ know , in the mean while , that Lucceius de-  
“ signs to sue directly for the Consulship ; for he  
“ will have , it is said , but two competitors :

T 2

“ Cæsar, by means of Arrius, proposes to join  
 “ with him; and Bibulus, by Piso’s mediation,  
 “ thinks of joining with Cæsar. Do you laugh  
 “ at this? Take my word for it, it is no laugh-  
 “ ing matter. What shall I write farther? What?  
 “ There are many things; but for another occa-  
 “ sion. If you would have us expect you, pray  
 “ let me know it: at present I shall beg only  
 “ modestly, what I desire very earnestly, that  
 “ you would come as soon as possible. December  
 “ the fifth ”.

As to the petition of the Knights, mentioned in this letter, Cato, when he came afterwards to speak to it, opposed it so resolutely, that he prevailed to have it rejected: which Cicero often condemns, as contrary to all good policy; and complains sometimes in his letters, that Cato, though he was the only man who had any regard for the Republic, yet frequently did mischief, by pursuing his maxims absurdly, and without any regard to the times”: and upon a review of the transactions which had passed since his consulship, and the turn which the public affairs were then taking, he seems to foretel, that the Republic could not stand much longer; since this very year had overthrown the two main pillars of it, which he had been erecting with such pains; the authority of the Senate, and their union with the Knights”.

A. Urb. 693. Q. Cæcilius Metellus and L. Afranius were  
 Cic. 47. now Consuls. The first had been Prætor in Cice-  
 Cons. ro’s Consulship, and commanded an army against

Catiline, and was an excellent Magistrate and Q. CECILIUS METELLUS CELER, L. AFRANIUS.

Catiline, and was an excellent Magistrate and Q. CECILIUS METELLUS CELER, L. AFRANIUS.

true Patriot; a firm opposer of all the factious, and a professed enemy always to Pompey; in which he was the more heated by a private resentment of the affront offered to his sister Mucia, whom Pompey had lately put away". His partner, Afranius, was the creature of Pompey's power; but of no credit or service to him, on the account of his luxury and laziness; being fonder of balls, than of business. Cicero calls him a Consul, whom none but a Philosopher could look upon without sighing; a Soldier without spirit; and a proper butt for the raillery of the Senate, where Palicanus abused him every day to his face; and so stupid; as not to know the value of what he had purchased".

By the help of this Consul and some of the Tribunes, Pompey imagined, that he should readily obtain the ratification of his acts, together with an Agrarian law, which he was pushing forward at the same time, for the distribution of lands to his soldiers; but he was vigorously opposed in them both by the other Consul Metellus, and the generality of the Senate". Lucullus declared, that they ought not to confirm his acts in the gross, as if they received them from a master, but to consider them separately, and ratify those only which were found to be reasonable". But the Tribune Flavius, who was the promoter of the law, impatient of this opposition, and animated by Pompey's power, had the hardiness to commit Metellus to Prison; and when all

the Senate followed, and resolved to go to prison too, he clapt his chair at the prison-door to keep them out: but this violence gave such a general scandal to the city, that Pompey found it advisable to draw off the Tribune, and release the Consul". In order to allay these heats, Cicero offered an amendment to the law, which satisfied both parties, by securing the possessions of all private proprietors, and hindering the public lands from being given away: his proposal was, that out of the new revenues, which Pompey had acquired to the Empire, five years rents should be set apart to purchase lands for the intended distribution". But the progress of the affair was suspended by the sudden alarm of a Gallic war, which was always terrible to Rome, and being now actually commenced by several revolted nations, called for the immediate care and attention of the Government".

The Senate decreed the two Gauls severally to the two Consuls; and required them to make levies without any regard to privilege, or exemption from service: and that three Senators should be chosen by lot, one of them of Consular rank, to be sent with a public character to the other Gallic cities, to dissuade them from joining in the war. In the allotment of these ambassadors, the first lot happened to fall upon Cicero; but the whole assembly remonstrated against it, declaring his presence to be necessary at Rome, and that he ought not to be employed on such an errand. The same thing happened to Pompey, on whom

the next lot fell, who was retained also with Cicero, as two pledges of the public safety". The three at last chosen were Q. Metellus Creticus, L. Flaccus, and Lentulus. The Transalpine Gaul, which was the seat of the war, fell to the lot of Metellus; who could not contain his joy upon it for the prospect of glory which it offered him. Metellus, says Cicero, is an admirable Consul: I blame him only in one thing, for not seeming pleased with the news of peace from Gaul. He longs, I suppose, to triumph. I wish that he was as moderate in this, as he is excellent in all other respects".

Cicero now finished in the Greek language, and in the style and manner of Isocrates, what he calls a Commentary or Memoirs of the transactions of his Consulship; and sent it to Atticus, with a desire, if he approved it, to publish it in Athens and the cities of Greece. He happened to receive a piece at the same time, and on the same subject, from Atticus, which he rallies as rough and unpolished, and without any beauty, but its simplicity. He sent his own work also to Posidonius of Rhodes, and begged that he would undertake the same argument in a more elegant and masterly manner. But Posidonius answered him with a compliment, that instead of being encouraged to write by the perusal of his piece, he was quite deterred from attempting it. Upon which Cicero says jocosely, that he had confounded the whole Greek nation, and freed himself from the importunity of those little wits, who had been teasing

him so long, to be employed in writing the history of his acts". What he says in excuse for taking that task upon himself, is, that it was not a panegyric, but a history; which makes our loss of it the greater, since it must have given a more exact account of those times, than can now be possibly had, in an entertaining work, finished with care and elegance; which not only pleased himself, as it seems to have done very highly, but, as he tells us, every body else. If there be any thing in it, says he, which does not seem to be good Greek, or polite enough to please your taste, I will not say what Lucullus told you of his own history at Panormus, that he had scattered some barbarisms in it, on purpose to make it appear to be the work of a Roman: for if any thing of that kind should be found in mine, it is not with design, but contrary to my intention".

Upon the plan of these Memoirs, he composed afterwards a Latin poem in three books, in which he carried down the history to the end of his exile, but did not venture to publish it till several years after: Not that he was afraid, he says, of the resentment of those whom he had lashed in it, for he had done that part very sparingly, but of those rather whom he had not celebrated, it being endless to mention all who had been serviceable to him". This piece is also lost, except a few fragments scattered in different parts of his other writings. The three books were severally inscribed to three of the Muses; of which his

brother expresses the highest approbation, and admonishes him to bear in mind what Jupiter recommends in the end of *Urania*, or the second book; which concluded probably with some moral lesson, not unlike to what *Calliope* prescribes in the third".

*Interea cursus, quos prima a parte juventus,  
Quosque adeo Consul virtute animoque petisti,  
Hos retine; atque auge famam laudesque honorum.*

*That noble course, in which thy earliest youth  
Was trained to virtue, liberty, and truth,  
In which, when Consul, you such honor won,  
While Rome with wonder and applause look'd on,  
The same pursue; and let each growing year  
A fresh increase of fame and glory bear.*

He published likewise at this time a Collection of the principal Speeches which he had made in his Consulship, under the title of his Consular Orations: He chose to make a separate volume of them, as Demosthenes had done of his Philippics, in order to give a specimen of his civil or political talents; being of a different manner, he says, from the dry and crabbed style of the Bar, and showing, not only how he spoke, but how he acted. The two first were against the Agrarian law of Rullus; the one to the Senate, the other to the People: the third on the tumult about Otho: the fourth, for Rabirius: the fifth, to the sons of the proscribed: the sixth, upon his resigning the province of Gaul: the seventh, eighth;

ninth, and tenth, on the affair of Catilina: with two more short ones, as appendices to those of the Agrarian law. But of these twelve, four are entirely lost; the third, fifth, and sixth, with one of the short ones; and some of the rest left maimed and imperfect. He published also at this time in Latin verse a translation of the Prognostics of Aratus, which he promises to send to Atticus with the volume of his orations"; of which work there are only two or three small fragments now remaining.

Clodius, who had been contriving all this while how to revenge himself on Cicero, began now to give an opening to the scheme, which he had formed for that purpose. His project was, to get himself chosen Tribune, and in that office to drive him out of the city, by the publication of a law, which by some stratagem or other he hoped to obtrude upon the people". But as all Patricians were incapable of the Tribune, by it's original institution, so his first step was to make himself a Plebeian, by the pretence of an adoption into a Plebeian house, which could not yet be done without the suffrage of the people. This case was wholly new, and contrary to all the forms; wanting every condition, and serving none of the ends, which were required in regular adoptions; so that on the first proposal it seemed too extravagant to be treated seriously, and would soon have been hissed off with scorn; had it not been concerted and privately supported by persons of much more weight than Clodius. Cæsar was at the bottom

of it, and Pompey secretly favored it: not that they intended to ruin Cicero, but to keep him only under the lash; and if they could not draw him into their measures, or make him at least sit quiet, to let Clodius loose upon him. The solicitor of it was one Herennius, an obscure, hardy Tribune, who first moved it to the Senate, and afterwards to the people, but met with no encouragement from either: for the Consul Metellus, though brother-in-law to Clodius, warmly opposed it<sup>11</sup>; and declared, that he would strangle him sooner with his own hands, than suffer him to bring such a disgrace upon his family<sup>12</sup>: yet Herennius persisted to press it, but without any visible effect or success; and so the matter hung through the remainder of the year.

Cicero affected to treat it with the contempt which it seemed to deserve; sometimes rallying Clodius with much pleasantry, sometimes admonishing him with no less gravity: he told him in the Senate, that his attempt gave him no manner of pain; and that it should not be any more in his power to overturn the State, when a Plebeian, than it was in the power of the Patricians of the same stamp in the time of his Consulship<sup>13</sup>. But whatever face he put outwardly on this affair, it gave him a real uneasiness within, and made him unite himself more closely with Pompey, for the benefit of his protection against a storm, which he saw ready to break upon him; while Pompey, ruffled likewise by the opposition of the Senate, was as forward on his side to embrace

Cicero, as a person necessary to his interests. Cicero, however, imagining, that this step would be censured by many, as a desertion of his old principles, takes frequent occasion to explain the motives of it to his friend Atticus, declaring, "that the absolution of Clodius, the alienation of the Knights, the indolence and luxury of the Consular Senators, who minded nothing but their fish-ponds, their carps and mullets, and yet were all envious of him, made it necessary for him to seek some firmer support and alliance. — That in this new friendship he should attend still to what the Sicilian wag Epicharmus whispered, be watchful and distrust, for those are the nerves of the mind". On another occasion he observes, "That his union with Pompey, though useful to himself, was more useful to the Republic, by gaining a man of his power and authority, who was wavering and irresolute, from the hopes and intrigues of the factious: that if this could not have been done without drawing upon himself a charge of levity, he would not have purchased that, or any other advantage at such a price: but he had managed the matter so, as not to be thought the worst citizen for joining with Pompey, but Pompey himself the better, by declaring for him. — That since Catulus's death, he stood single and unsupported by the other Consulars in the cause of the aristocracy; for as the Poet Rhinton says, Some of them were good for nothing, others cared for nothing". But how

“ much these fish-mongers of ours envy me,” says he, “ I will write you word another time, or “ reserve it to our meeting. Yet nothing shall “ ever draw me away from the Senate; both “ because it is right, and most agreeable to my “ interest, and that I have no reason to be “ displeased with the marks of respect which they “ give me”. ” In a third letter, he says, “ You “ chide me gently for my union with Pompey: “ I would not have you to think, that I sought “ it only for my own sake; but things were come “ to such a crisis, that if any difference had “ happened between us, it must have caused great “ disturbance in the Republic; which I have “ guarded against in such a manner, that without “ departing from my own maxims, I have rendered “ him the better, and made him remit somewhat “ of his popularity: for you must know, that he “ now speaks of my acts, which many have been “ incensing him against, much more gloriously “ than he does of his own; and declares, that he “ had only served the State successfully but that “ I had saved it”. What good this will do to “ me, I know not; but it will certainly do much “ to the Republic. What if I could make Cæsar “ also a better citizen, whose winds are now very “ prosperous; should I do any great harm by it? “ Nay, if there were none who really envied me, “ but all were encouraging me as they ought, it “ would yet be more commendable to heal the “ viciated parts of the State, than to cut them “ off: but now, when that body of Knights, who

“ were planted by me in my Consulship, with  
“ you at their head, as our guard in the Capital,  
“ have deserted the Senate, and our Consulars  
“ place their chief happiness in training the fish  
“ in their ponds to feed from their hands, and  
“ mind nothing else; do not you think, that I  
“ am doing good service, by managing so, that  
“ those, who can do mischief, will not? For as  
“ to our friend Cato, you cannot love him more  
“ than I do; yet, with the best intentions and the  
“ greatest integrity, he often hurts the Republic;  
“ for he delivers his opinion, as if it were in the  
“ polity of Plato, not in the dregs of Romulus ”.  
“ What could be more just, than to call those  
“ to an account, who had received money for  
“ judging? Cato proposed, the Senate agreed to  
“ it: the Knights presently declared war against  
“ the Senate, not against me; for I was not of  
“ that opinion. What more impudent, than to  
“ demand a release from their contract? yet it  
“ was better to suffer that loss, than to alienate  
“ the whole order: but Cato opposed it, and  
“ prevailed; so that now, when the Consul was  
“ thrown into prison, as well as in all the tumults  
“ which have lately happened, not one of them  
“ would stir a foot; though under me, and the  
“ Consuls who succeeded me, they had defended  
“ the Republic so strenuously, &c. ”.

In the midst of these transactions, Julius Cæsar returned from the government of Spain, which had been allotted to him from his Prætorship, with great fame both for his military and political

acts. He conquered the barbarous nations by his arms, and civilized them by his laws; and having subdued the whole country as far as the Ocean, and been saluted Emperor by the soldiers, came away in all haste to Rome, to sue at the same time for the double honor of a Triumph and the Consulship <sup>11</sup>. But his demand of the first was, according to the usual forms, incompatible with his pretensions to the second; since the one obliged him to continue without the city, the other made his presence necessary within: so that finding an aversion in the Senate to dispense with the laws in his favor, he preferred the solid to the specious, and dropt the Triumph, to lay hold on the Consulship <sup>12</sup>. He designed L. Lucceius for his Colleague, and privately joined interests with him, on condition that Lucceius, who was rich, should furnish money sufficient to bribe the Centuries. But the Senate, always jealous of his designs, and fearing the effects of his power, when supported by a Colleague subservient to his will, espoused the other candidate, Bibulus, with all their authority, and made a common purse to enable him to bribe as high as his competitors: which Cato himself is said to have approved <sup>13</sup>. By this means they got Bibulus elected, to their great joy; a man firm to their interests, and determined to obstruct all the ambitious attempts of Cæsar.

Upon Cæsar's going to Spain, he had engaged Crassus to stand bound for him to his creditors, who were clamorous and troublesome, as far as two hundred thousand pounds sterling: so much did he

want to be worth nothing, as he merrily said of himself "". Crassus hoped; by the purchase of his friendship, to be able to make head against Pompey in the administration of public affairs: but Cæsar, who had long been courting Pompey, and laboring to disengage him from an union with Cicero and the aristocratical interest, easily saw, that as things then stood, their joint strength would avail but little towards obtaining what they aimed at, unless they could induce Pompey also to join with them: on pretence therefore of reconciling Pompey and Crassus, who had been constant enemies, he formed the project of a triple league between the three; by which they should mutually oblige themselves to promote each other's Interest, and to act nothing but by common agreement: to this Pompey easily consented, on account of the disgust which the Senate had impolitely given him, by their perverse opposition to every thing which he desired or attempted in the State.

This is commonly called the first Triumvirate; which was nothing else in reality but a traitorous Conspiracy of three, the most powerful Citizens of Rome, to extort from their country by violence what they could not obtain by law. Pompey's chief motive was, to get his acts confirmed by Cæsar in his Consulship; Cæsar's, by giving way to Pompey's glory, to advance his own; and Crassus's, to gain that ascendant, which he could not sustain alone, by the authority of Pompey and the vigor of Cæsar "". But Cæsar, who formed the scheme,

scheme, easily saw; that the chief advantage of it would necessarily redound to himself; he knew, that the old enmity between the other two, though it might be palliated, could never be healed without leaving a secret jealousy between them; and as by their common help he was sure to make himself superior to all others, so by managing the one against the other, he hoped to gain at last the superiority also over them both <sup>104</sup>. To cement this union therefore the more strongly by the ties of blood as well as interest, he gave his daughter Julia, a beautiful and accomplished young lady, in marriage to Pompey: and from this era all the Roman writers date the origin of the civil wars, which afterwards ensued, and the subversion of the Republic, in which they ended <sup>105</sup>.

— *tu causa malorum*

*Factu tribus dominis communis Roma —*

LUCAN. 3. 85.

Hence flow'd our ills, Bence all that civil flame,  
When Rome the common slave of three became.

Cicero might have made what terms he pleased with the Triumvirate; been admitted even a partner of their power, and a fourth in their league; which seemed to want a man of his character to make it complete. For while the rest were engaged in their governments; and the command of armies abroad, his authority would have been of singular use at home, to manage

the affairs of the city, and solicit what they had to transact with the Senate or People. Cæsar therefore was extremely desirous to add him to the party, or to engage him rather in particular measures with himself; and no sooner entered into the Consulship, than he sent him word by their common friend Balbus, that he would be governed in every step by him and Pompey, with whom he would endeavour to join Crassus too<sup>116</sup>. But Ciceron would not enter into any engagements jointly with the Three, whose union he abhorred; not into private measures with Cæsar, whose intentions he always suspected. He thought Pompey the better citizen of the two; took his views to be less dangerous, and his temper more tractable; and imagined that a separate alliance with him would be sufficient to screen him from the malice of his enemies. Yet this put him under no small difficulty: for if he opposed the Triumvirate, he could not expect to continue well with Pompey; or, if he served it, with the Senate: in the first, he saw his ruin; in the second, the loss of his credit. He chose therefore, what the wise will always chuse in such circumstances, a middle way; to temper his behaviour so, that with the constancy of his duty to the Republic, he might have a regard also to his safety, by remitting somewhat of his old vigor and contention, without submitting to the meanness of consent or approbation; and when his authority could be of no use to his country, to manage their new masters so, as not to irritate their power to his own destruction; which

was all that he desired." This was the scheme of politics, which, as he often laments, the weakness of the honest, the perverseness of the envious, and the hatred of the wicked obliged him to pursue.

One of his intimate friends Papirius Paetus, made him a present about this time of a collection of books, which fell to him by the death of his brother Servius Claudio, a celebrated scholar and critic of that age <sup>101</sup>. The books were all at Athens, where Servius probably died; and the manner in which Cicero writes about them to Atticus, shows what a value he set upon the present, and what pleasure he expected from the use of it.

"Papirius Paetus," says he, "an honest man, who loves me, has given me the books, which his brother Servius left; and since your agent Cincius tells me, that I may safely take them by the Cincian law <sup>102</sup>, I readily signified my acceptance of them. Now if you love me, or know that I love you, I beg of you to take care by your friends, clients, hosts, freedmen, slaves, that not a leaf of them be lost. I am in extreme want both of the Greek books, which I guess, and the Latin, which I know him to have left: for I find more and more comfort every day, in giving all the time, which I can steal from the Bar, to those studies. You will do me a great pleasure, a very great one, I assure you, by showing the same di-

“ gence in this, that you usually do in all other  
“ affairs, which you take me to have much at  
“ heart, &c. ” ”

While Cicero was in the country in the end of the year, his Architect Cyrus was finishing for him at Rome some additional buildings to his house on mount Palatine: but Atticus, who was just returned from Athens, found great fault with the smallness of the windows; to which Cicero gives a jocose answer, bantering both the objection of Atticus, and the way of reasoning of the architects: “ You little think,” says he, “ that in finding fault with my windows, you condemn the institution of Cyrus ” ”; for when I made the same objection, Cyrus told me, that the prospect of the fields did not appear to such advantage through larger lights. For let the eye be A; the object B, C; the rays D, E; you see the rest. If vision indeed were performed, as you Epicureans hold, by images flying off from the object, those images would be well crowded in so strait a passage; but if by the emission of rays from the eye, it will be made commodiously enough. If you find any other fault, you shall have as good as you bring; unless it can be mended without any cost to me ” ”.

A. Urb. 694. Cæsar and Bibulus entered now into the Consulship, with views and principles wholly opposite to each other; while the Senate were pleasing themselves with their address, in procuring one Consul of their own, to check the ambition of the other, and expecting now to reap the fruit  
Cic. 48. Coll.  
C. JULIUS  
CÆSAR,  
M. CAL-  
PURNIUS  
BIBULUS.

of it. But they presently found upon a trial, that the balance and constitution of the Republic was quite changed by the overbearing power of the Three: and that Cæsar was too strong to be controlled by any of the legal and ordinary methods of opposition; he had gained seven of the Tribunes, of whom Vatinus was the captain of his mercenaries; whose task it was to scour the streets, secure the avenues of the Forum, and clear it by a superior force of all, who were prepared to oppose them.

Clodius, in the mean time, was pushing on the affair of his adoption; and soliciting the people to confirm the law, which he had provided for that purpose. The Triumvirate pretended to be against it, or at least to stand neuter; but were watching Cicero's motions, in order to take their measures from his conduct, which they did not find so obsequious as they expected. In this interval it happened, that C. Antonius, Cicero's colleague, who had governed Macedonia from the time of his Consulship, was now impeached and brought to a trial for the male-administration of his Province; and being found guilty, was condemned to perpetual exile. Cicero was his advocate, and, in the course of his pleading, happened to fall, with the usual freedom, into a complaint of the times and the oppression of the Republic, in a style that was interpreted to reflect severely upon their present rulers. The story was carried directly to Cæsar, and represented to him in such colors, that he resolved to revenge

it presently on Cicero, by bringing on Clodius's law; and was so eager in it, that he instantly called an assembly of the people, and being assisted by Pompey, as Augur, to make the act legal and auspicious, got the adoption ratified by the people through all the forms <sup>11</sup>, within three hours from the time of Cicero's speaking.

Bibulus, who was an Augur too, being advertised of what was going forward; sent notice to Pompey, that he was observing the heavens and taking the auspices, during which function it was illegal to transact any business with the people <sup>12</sup>. But Pompey, instead of paying any regard to his message, gave a sanction to the proceeding by presiding in it; so that it was carried without any opposition. And thus the bow, as Cicero calls it, which had been kept bent against him and the Republic, was at last discharged <sup>13</sup>; and a plain admonition given to him, what he had to expect, if he would not be more complying. For his danger was brought one step nearer, by laying the Tribune open to Clodius, whose next attempt might probably reach home to him. These laws of adoption were drawn up in the style of a petition to the people, after the following form.

"May it please you, Citizens, to ordain, that P. Clodius be, to all intents and purposes of law, as truly the son of Fonteius, as if he were begotten of his body in lawful marriage; and that Fonteius have the power of life and death over him, as much as a father has over a proper son: this, Citi-

zens, I pray you to confirm in the manner in which it is desired . . . .

There were three conditions absolutely necessary to make an act of this kind regular: first, that the adopter should be older than the adopted, and incapable of procreating children, after having endeavoured it without success when he was capable: secondly, that no injury or diminution should be done to the dignity, or the religious rights of either family: thirdly, that there should be no fraud or collusion in it; nor any thing sought by it, but the genuine effects of a real adoption. All these particulars were to be previously examined by the College of Priests; and if after a due inquiry they approved the petition, it was proposed to the suffrage of the citizens living in Rome, who voted according to their original division into thirty Curiae, or wards, which seem to have been analogous to our parishes . . . . where no business however could be transacted, when an Augur or Consul was observing the heavens. Now in this adoption of Clodius there was not one of these conditions observed: the College of Priests was not so much as consulted; the adopter Fonteius had a wife and children; was a man obscure and unknown, not full twenty years old, when Clodius was thirty-five, and a Senator of the noblest birth in Rome; nor was there any thing meant by it, but purely to evade the laws, and procure the Tribunate; for the affair was no sooner over, than Clodius was emancipated, or set free again by his new

father from all his obligations <sup>11</sup>. But these obstacles signified nothing to Cæsar, who always took the shortest way to what he aimed at, and valued neither forms nor laws, when he had a power sufficient to control them.

But the main trial of strength between the two Consuls was about the promulgation of an Agrarian law, which Cæsar had prepared, for distributing the lands of Campania to twenty thousand poor citizens, who had each three children or more. Bibulus mustered all his forces to oppose it, and came down to the Forum full of courage and resolution, guarded by three of the Tribunes and the whole body of the Senate; and as oft as Cæsar attempted to recommend it, he as often interrupted him, and loudly remonstrated against it, declaring, that it should never pass in his year. From words they soon came to blows; where Bibulus was roughly handled, his Fasces broken, pots of filth thrown upon his head; his three Tribunes wounded, and the whole party driven out of the Forum by Vatinius, at the head of Cæsar's mob <sup>12</sup>. When the tumult was over, and the Forum cleared of their adversaries, Cæsar produced Pompey and Crassus into the Rostra, to signify their opinion of the law to the people; where Pompey, after speaking largely in praise of it, declared in the conclusion, that if any should be so hardy as to oppose it with the sword, he would defend it with his shield. Crassus applauded what Pompey said, and warmly pressed the acceptance of it; so that it passed upon the

spot without any farther contradiction<sup>111</sup>. Cicero was in the country during this contest, but speaks of it with great indignation in a letter to Atticus, and wonders at Pompey's policy, in supporting Cæsar in an act so odious, of alienating the best revenues of the Republic; and says, that he must not think to make them amends by his rents on mount Libanus, for the loss of those, which he had taken from them in Campania<sup>112</sup>. The Senate and all the Magistrates were obliged, by a special clause of this law, to take an oath to the observance of it; which Cato himself, though he had publicly declared that he would never do it, was forced at last to swallow<sup>113</sup>.

Bibulus made his complaint the next day in the Senate, of the violence offered to his person; but finding the assembly so cold and intimidated, that no body cared to enter into the affair, or to move any thing about it, he retired to his house in despair, with a resolution to shut himself up for the remaining eight months in the year, and to act no more in public but by his edicts<sup>114</sup>. This was a weak step in a magistrate armed with so sovereign authority; for though it had one effect, which he proposed by it, of turning the odium of the city upon his colleague, yet it had another that overbalanced it, of strengthening the hands and raising the spirits of the adverse party, by leaving the field wholly clear to them.

As Cæsar's view in the Agrarian law was to oblige the populace, so he took the opportunity, which the Senate had thrown into his hands, of

obliging the Knights too, by easing them of the disadvantageous contract, which they had long in vain complained of, and remitting a third part of what they had stipulated to pay<sup>114</sup>: and when Cato still opposed it with his usual firmness, he ordered him to be hurried away to prison. He imagined, that Cato would have appealed to the Tribunes; but seeing him go along patiently, without speaking a word, and reflecting, that such a violence would create a fresh odium, without serving any purpose, he desired one of the Tribunes to interpose and release him<sup>115</sup>. He next procured a special law from the people, for the ratification of all Pompey's acts in Asia; and in the struggle about it, so terrified and humbled Lucullus, who was the chief opposer, that he brought him to ask pardon at his feet<sup>116</sup>.

He carried it still with great outward respect towards Cicero; and gave him to understand again by Balbus, that he depended on his assistance in the Agrarian law: but Cicero contrived to be out of the way, and spent the months of April and May in his Villa near Antium, where he had placed his chief collection of books<sup>117</sup>; amusing himself with his studies and his children, or, as he says jocosely, in counting the waves. He was projecting, however, a system of Geography at the request of Atticus, but soon grew weary of it, as a subject too dry and jejune to admit of any ornament<sup>118</sup>; and being desired also by Atticus to send him the copies of two orations which he had lately made, his answer was, that he had

torn one of them, and could not give a copy; and did not care to let the other go abroad, for the praises which it bestowed on Pompey; being disposed rather to recant, than publish them, since the adoption of Clodius<sup>11</sup>. He seems indeed to have been too spleenetic at present to compose any thing but invectives; of which kind he was now drawing up certain anecdotes, as he calls them, or a secret history of the times, to be shown to none but Atticus, in the style of Theopompus, the most satirical of all writers: for all his politics, he says, were reduced to this one point, of hating bad citizens, and pleasing himself with writing against them: and since he was driven from the helm, he had nothing to wish, but to see the wreck from the shore; or, as Sapphoctes says<sup>12</sup>,

*Under the shelter of a good warm roof,  
With mind serenely calm and prone to sleep,  
Hear the loud storm and beating rain without.*

Clodius, having got through the obstacle of his adoption, began without loss of time to sue for the Tribune; whilst a report was industriously spread, which amused the city for a while, of a breach between him and Cæsar. He declared every where loudly, that his chief view in desiring that office was, to rescind all Cæsar's Acts; and Cæsar, on his part, as openly disclaimed any share in his adoption, and denied him to be a Plebeian. This was eagerly carried to Cicero by

young Curio; who assured him, that all the young Nobles were as much incensed against their proud Kings, as he himself, and would not bear them much longer; and that Memmius and Metellus Nepos had declared against them: which being confirmed also by Atticus's letters, gave no small comfort to Cicero; all whose hopes of any good depended, he says, upon their quarrelling among themselves ". The pretended ground of this rupture, at it is hinted in Cicero's letters, was Clodius's slighting an offer, which the Triumvirate made to him, of an embassy to King Tigranes; for being weary of his insolence, and jealous of his growing power, they had contrived this employment as an honorable way of getting rid of him: but in the present condition of the Republic Clodius knew his own importance too well, to quit his views at home, by an offer of so little advantage abroad; and was disgusted, that Cæsar had not named him among the twenty Commissioners appointed to divide the Campanian lands; and resolved not to stir from the city, till he had reaped the fruits of the Tribune. Cicero mentioning this affair to Atticus, says, "I am much delighted with what you write about Clodius: "try all means to search into the bottom of it; "and send or bring me word, whatever you either "learn or suspect; and especially, what he intends "to do about the embassy. Before I read your "letter, I was wishing that he would accept it; "not for the sake of declining a battle with him, "for I am in wonderful spirits for fighting; but

“ I imagined, that he would lose by it all the  
“ popularity which he has gained, by going over  
“ to the Plebeians — What then did you mean  
“ by making yourself a Plebeian? Was it only  
“ to pay a visit to Tigranes? Do not the Kings  
“ of Armenia use to take notice of Patricians? —  
“ You see how I had been preparing myself to  
“ rally the embassy; which if he flights after  
“ all, and if this, as you say, disgusts the au-  
“ thors and promoters of the law, we shall  
“ have rare sport. But to say the truth, Pub-  
“ lius has been treated somewhat rudely by  
“ them; since he, who was lately the only  
“ man with Cæsar, cannot now find a place  
“ among the twenty; and after promising one  
“ embassy, they put him off with another; and  
“ while they bestow the rich ones upon Drusus,  
“ or Vatinus, reserve this barren one for him,  
“ whose Tribuneate was proposed to be of such  
“ use to them. Warn him, I beg of you, on  
“ this head, as much as you can; all our hopes  
“ of safety are placed on their falling out among  
“ themselves, of which, as I understand from  
“ Curio, some symptoms begin already to ap-  
“ pear.” But all this noise of a quarrel was  
found at last to be a mere artifice, as the event  
quickly showed: or if there was any real disgust  
among them, it proceeded no farther, than to  
give the better color to a report, by which they  
hoped to impose upon Cicero, and draw some un-  
wary people into a hasty declaration of themselves;  
and above all, to weaken the obstruction to Clo-

“ what they had to say ; and though they had  
“ the greatest desire to hurt, yet could not do it  
“ for their scruples : — that a Roman in giving his  
“ testimony, was always jealous of himself, lest  
“ he should go too far ; weighed all his words,  
“ and was afraid to let any thing drop from him  
“ too hastily and passionately ; or to say a syllable  
“ more or less than was necessary ” ”. Then  
after showing at large, by what scandalous methods  
this accusation was procured against Flaccus, and  
after exposing the vanity of the crimes charged  
upon him, together with the profligate characters  
of the particular witnesses ; he declares, “ that  
“ the true and genuine Grecians were all on Flac-  
“ cus’s side, with public testimonies and decrees  
“ in his favor. — Here,” says he, “ you see the  
“ Athenians, whence humanity, learning, religion,  
“ the fruits of the earth, the rights and laws of  
“ mankind, are thought to have been first propa-  
“ gated ; for the possession of whose city, the  
“ Gods themselves are said to have contended on  
“ the account of its beauty ; which is of so great  
“ antiquity, that it is reported to have brought  
“ forth its own Citizens, and the same spot to  
“ have been their parent, their nurse and their  
“ country ; and of so great authority, that the  
“ broken and shattered frame of Greece depends  
“ now singly on the credit of this City. — Here  
“ also are the Lacedæmonians, whose tried and  
“ renowned virtue was confirmed not only by  
“ nature, but by discipline ; who alone, of all the  
“ nations upon earth, have subsisted for above  
seven

" seven hundred years, without any change in  
" their laws and manners. — Nor can I pass over  
" the city of Marseilles, which knew Flaccus when  
" first a soldier, and afterwards Quæstor; the  
" gravity of whose discipline, I think preferable,  
" not only to Greece, but to all other cities;  
" which, though separated so far from the coun-  
" try, the customs, and the language of all Gre-  
" cians, surrounded by the nations of Gaul, and  
" washed by the waves of barbarism, is so wisely  
" governed by the counsels of an aristocracy, that  
" it is easier to praise their constitution, than to  
" imitate it ". One part of the charge against  
Flaccus, was, for prohibiting the Jews to carry  
out of his province the gold, which they used to  
collect annually through the empire for the Temple  
of Jerusalem; all which he seized and remitted to  
the treasury at Rome. The charge itself seems to  
imply, that the Jews made no mean figure at this  
time in the empire; and Cicero's answer, though  
it betrays a great contempt of their religion, through  
his ignorance of it, yet shows, that their numbers  
and credit were very considerable also in Rome.  
The trial was held near the Aurelian steps, a place  
of great resort for the populace, and particularly  
for the Jews, who used it probably as a kind of  
exchange, or general rendezvous of their country-  
men: Cicero therefore proceeds to say, "It was  
" for this reason, Lælius, and for the sake of this  
" crime, that you have chosen this place, and all  
" this crowd for the trial: you know what a nu-  
" merous band the Jews are; what concord among

“ themselves ; what a bustle they make in our  
“ assemblies — I will speak softly, that the Judges  
“ only may hear me ; for there are people ready  
“ to incite them against me and against every  
“ honest man ; and I would not willingly lend  
“ any help to that design — Since our gold then  
“ is annually carried out of Italy, and all the  
“ Provinces, in the name of the Jews, to Jerusa-  
“ lem, Flaccus, by a public edict, prohibited  
“ the exportation of it from Asia : and where is  
“ there a man, Judges, who does not truly ap-  
“ plaud this act ? The Senate, on several different  
“ occasions, but more severely in my Consulship,  
“ condemned the exportation of gold. To with-  
“ stand this barbarous superstition was a piece  
“ therefore of laudable discipline ; and, out of  
“ regard to the Republic, to contemn the multi-  
“ tude of Jews, who are so tumultuous in all our  
“ assemblies, an act of the greatest gravity : but  
“ Pompey, it seems, when he took Jerusalem,  
“ meddled with nothing in that Temple : in which,  
“ as on many other occasions, he acted prudently,  
“ that in so suspicious and ill-tongued a people,  
“ he would not give any handle for calumny ;  
“ for I can never believe, that it was the religion  
“ of Jews and enemies, which hindered this excellent  
“ General, but his own modesty.” Then after  
showing, “ that Flaccus had not embezzled or  
“ seized the gold to his own use, but transmitted  
“ it to the public treasury, he observes, that it  
“ was not therefore for the sake of the crime, but  
“ to raise an envy, that this fact was mentioned ;

“ and that the accuser’s speech was turned from  
“ the Judges , and addressed to the circle around  
“ them : Every city,” says he, “ Lælius, has it’s  
“ religion ; we have ours : while Jerusalem flourish-  
“ ed , and Jødæa was at peace with us ; yet their  
“ religious rites were held inconsistent with the  
“ splendor of this Empire , the gravity of the  
“ Roman name , and the institutions of our an-  
“ cestors : but much more ought they to be held  
“ so now ; since they have let us see , by taking  
“ arms , what opinion they have of us ; and by  
“ their being conquered , how dear they are to  
“ the Gods ”.” He proceeds in the last place to  
show , what he had intimated in the beginning ,  
“ that the real aim of this trial was to sacrifice  
“ those , who had signalized themselves against  
“ Catiline , to the malice and revenge of the sedi-  
“ tious : and puts the Judges in mind , “ that  
“ the fate of the city , and the safety of all honest  
“ men , now rested on their shoulders : that they  
“ saw in what an unsettled state things were , and  
“ what a turn their affairs had taken : that among  
“ many other acts , which certain men had done ,  
“ they were now contriving , that by the votes  
“ and decisions of the Judges every honest man  
“ might be undone : that these Judges indeed had  
“ given many laudable judgments in favor of the  
“ Republic ; many , against the wickedness of the  
“ conspirators : yet some people thought the Re-  
“ public not yet sufficiently changed , till the best  
“ citizens were involved in the same punishment  
“ with the worst. C. Antonius ,” says he , “ is

“ already oppressed ; let it be so : he had a peculiar  
“ infamy upon him : yet even he , if I may be  
“ allowed to say it, would not have been con-  
“ demned by you : upon whose condemnation a  
“ sepulchre was dressed up to Catiline, and cele-  
“ brated with a feast and concourse of our auda-  
“ cious and domestic enemies , and funeral rites  
“ performed to him : now the death of Lentulus  
“ is to be revenged on Flaccus ; and what more  
“ agreeable sacrifice can you offer to him , than  
“ by Flaccus's blood to satiate his detestable hatred  
“ of us all ? Let us then appease the manes of  
“ Lentulus ; pay the last honors to Cethegus ; recal  
“ the banished ; nay , let me also be punished for  
“ the excess of my love to my country ; I am  
“ already named and marked out for a trial ; have  
“ crimes forged , dangers prepared for me ; which  
“ if they had attempted by any other method ;  
“ or if , in the name of the people , they had  
“ stirred up the unwary multitude against me ,  
“ I could better have born it ; but it is not to  
“ be endured , that they should think , to drive  
“ out of the city the authors , the leaders , the  
“ champions of our common safety ; by the help  
“ of Senators and Knights , who with one mind  
“ and consent , assisted so greatly in the same  
“ cause. They know the mind and inclination  
“ of the Roman people : the people themselves  
“ take all possible occasions of declaring it : there  
“ is no variety in their sentiments , or their lan-  
“ guage. If any one therefore call me hither , I  
“ come : I do not only not refuse , but require

" the Roman people for my judge : let force  
" only be excluded ; let swords and stones be  
" removed ; let mercenaries be quiet ; let slaves  
" be silent ; and when I come to be heard for  
" myself, there will not be a man so unjust, if he  
" be free and a citizen, who will not be of op-  
" nion, that they ought to vote me rewards, ra-  
" ther than punishment " ". He concludes, by  
applying himself as usual, to move the pity and  
clemency of the bench towards the person of the  
criminal, by all the topics proper to excite com-  
passion : " the merit of his former services ; the  
" lustre of his family ; the tears of his children ;  
" the discouragement of the honest ; and the hurt ;  
" which the Republic would suffer, in being de-  
" prived, at such a time, of such a citizen."

Q. Cicero, who succeeded Flaccus in the province of Asia, was now entering into the third year of his government, when Cicero sent him a most admirable letter of advice about the administration of his province ; fraught with such excellent precepts of moderation, humanity, justice, and laying down rules of governing, so truly calculated for the good of mankind, that it deserves a place in the closets of all who govern : and especially of those, who are intrusted with the command of foreign provinces ; who by their distance from any immediate control, are often tempted, by the insolence of power, to acts of great oppression.

The Triumvirate was now dreaded and detested by all ranks of men : and Pompey as the first of the league, had the first share of the public hatred :

so that these affecters of popularity, says Cicerò, have taught even modest men to hiss<sup>11</sup>. Bibulus was continually teasing them by his edicts; in which he inveighed and protested against all their acts. These edicts were greedily received by the city; all people got copies of them; and wherever they were fixed up in the streets, it was scarce possible to pass for the crowds which were reading them<sup>12</sup>. Bibulus was extolled to the skies; though I know not why, says Cicero, unless, like another Fabius, he is thought to save the State by doing nothing: for what is all his greatness of mind, but a mere testimony of his sentiments, without any service to the Republic<sup>13</sup>? His edicts however provoked Cæsar so far, that he attempted to excite the mob to storm his house, and drag him out by force: and Vatinius actually made an assault upon it, though without success<sup>14</sup>. But while all the world disliked, lamented, and talked loudly against these proceedings; and above all, young Curio at the head of the young Nobility, yet, we seek no remedy, says Cicero, through a persuasion, that there is no resisting, but to our destruction<sup>15</sup>.

The inclinations of the people were shown chiefly, as he tells us, in the Theatres and public shows; where, when Cæsar entered, he was received only with a dead applause; but when young Curio, who followed him, appeared, he was clapped, as Pompey used to be in the height of his glory. And in the Apollinarian plays Diphilus, the Tragedian, happening to have some passages in his part, which

were thought to hit the character of Pompey, he was forced to repeat them a thousand times:

*Thou by our miseries art great—*

*The time will come when thou wilt wretchedly lament that greatness—*

at each of which sentences, the whole theatre made such a roaring and clapping, that they could hardly be quieted <sup>11</sup>. Pompey was greatly shocked, to find himself fallen so low in the esteem of the city: he had hitherto lived in the midst of glory, an utter stranger to disgrace, which made him the more impatient under so mortifying a change: “I could scarce refrain from tears” says Cicero, “to see what an abject,auldry figure “he made in the Rostra, where he never used to “appear but with universal applause and admiration; meanly haranguing against the edicts “of Bibulus, and displeasing not only his audience, but himself: a spectacle, agreeable to “none, so much as to Crassus; to see him fallen “so low from such a height: —and as Appelles “or Protogenes would have been grieved to see “one of their capital pieces besmeared with dirt; “so it was a real grief to me, to see the man, “whom I had painted with all the colors of my art, become of a sudden so deformed: for “though no body can think since the affair of Clodius, that I have any reason to be his friend;

" yet my love for him was so great, that no in-  
" jury could efface it"."

Cæsar, on the other hand, began to reap some part of that fruit, which he expected from their union: he foresaw from the first, that the odium of it would fall upon Pompey; the benefit accrue to himself<sup>111</sup>: till Pompey gradually sinking under the envy, and himself insensibly rising by the power of it, they might come at last to act upon a level: or, as Florus states the several views of the Three, Cæsar wanted to acquire; Crassus to increase; Pompey to preserve his dignity<sup>112</sup>. So that Pompey in reality was but the dupe of the other two: whereas if he had united himself with Cicero, and through him with the Senate; whether his own and his country's interest called him, and where, from the different talents of the men, there could have been no contrast of glory or power; he must have preserved through life, what his utmost ambition seemed to aim at, the character not only of the first, but of the best citizen in Rome: but by his alliance with Cæsar, he lent his authority to the nursing up a rival, who gained upon him daily in credit, and grew too strong for him at last in power. The people's disaffection began to open his eyes, and make him sensible of his error; which he frankly owned to Cicero, and seemed desirous of entering into measures with him to retrieve it<sup>113</sup>. He saw himself on the brink of a precipice, where to proceed was ruinous, to retreat ignominious: the honest were become his enemies; and the factious had never

been his friends. But though it was easy to see his mistake, it was difficult to find a remedy: Cicero pressed the only one, which could be effectual, an immediate breach with Cæsar; and used all arguments to bring him to it; but Cæsar was more successful, and drew Pompey quite away from him " "; and having got possession, entangled him so fast, that he could never disengage himself till it was too late.

But to give a turn to the disposition of the people, or to draw their attention at least another way, Cæsar contrived to amuse the city with the discovery of a new conspiracy, to assassinate Pompey. Vettius who, in Catiline's affair, had impeached Cæsar, and smarted severely for it, was now instructed how to make amends for that step, by swearing a plot upon the opposite party; particularly upon young Curio, the briskest opposer of the Triumvirate. For this purpose, he insinuated himself into Curio's acquaintance, and when he was grown familiar, opened to him a resolution which he pretended to have taken, of killing Pompey; in expectation of drawing some approbation of it from him: but Curio carried the story to his father, who gave immediate information of it to Pompey; and so the matter, being made public, was brought before the Senate. This was a disappointment to Vettius, who had laid his measures so, " that he himself should have been seized in the Forum with a poniard; and his slaves taken also with poniards; and upon his examination, was to have made the first disco-

“ very, if Curio had not prevented him. But  
“ being now examined before the Senate, he de-  
“ nied at first his having any such discourse with  
“ Curio; but presently recanted, and offered to  
“ discover what he knew, upon promise of par-  
“ don, which was readily granted: he then told  
“ them, that there was a plot formed by many  
“ of the young Nobility, of which Curio was the  
“ head: that Paullus was engaged in it from the  
“ first, with Brutus also and Lepidus, the son of  
“ the Flamen, with the privity of his father: that  
“ Septimius, the secretary of Bibulus, had brought  
“ him a dagger from Bibulus himself. — This was  
“ thought ridiculous, that Vettius should not be  
“ able to procure a dagger, unless the Consul had  
“ given him one. — Young Curio was called in to  
“ answer to Vettius's information, who soon con-  
“ founded him, and showed his narrative to be  
“ inconsistent and impossible: for he had deposed,  
“ that the young Nobles had agreed to attack  
“ Pompey in the Forum, on the day when Ga-  
“ binius gave his show of Gladiators, and that  
“ Paullus was to be the leader in the attack;  
“ but it appeared, that Paullus was in Macedo-  
“ nia at that very time. The Senate therefore  
“ ordered Vettius to be clapt into irons, and that  
“ if any man released him, he should be deemed  
“ a public enemy. ”

Cæsar, however, unwilling to let the matter drop so easily, brought him out again the next day, and produced him to the people in the Rostra; and in that place, where Bibulus, though Consul,

durst not venture to show himself, exhibited this wretch, as his puppet, to utter whatever he should think fit to inspire. Vettius impeached several here, whom he had not named before in the Senate; particularly Lucullus and Domitius; he did not name Cicero, but said, that a certain Senator of great eloquence, and Consular rank, and a neighbour of the Consul, had told him, that the times wanted another Brutus or Ahala. When he had done, and was going down, being called back again and whispered by Vatinus, and then asked aloud, whether he could recollect nothing more, he farther declared, that Piso, Cicero's son in law, and M. Laterensis were also privy to the design <sup>11</sup>. But it happened in this, as it commonly does in all plots of the same kind, that the too great eagerness of the managers destroyed it's effect: for, by the extravagance to which it was pushed, it confuted itself; and was entertained with so general a contempt by all orders, that Cæsar was glad to get rid of it, by strangling or poisoning Vettius privately in prison, and giving it out, that it was done by the Conspirators <sup>12</sup>.

The Senate had still one expedient in reserve for mortifying Cæsar, by throwing some contemptible Province upon him at the expiration of his Consulship; as the care of the woods or the roads; or what should give him at least no power to molest them <sup>13</sup>. The distribution of the Provinces was, by ancient usage and express law, their undoubted prerogative; which had never been invaded or attempted by the people <sup>14</sup>; so that this piece of

revenge, or rather self-defence, seemed to be clearly in their power: but Cæsar, who valued no law or custom, which did not serve his purposes, without any regard to the Senate, applied himself to his better friends, the people; and by his agent Vatinus procured from them, by a new and extraordinary law, the grant of Cisalpine Gaul, with the addition of Illyricum, for the term of five years. This was a cruel blow to the power of the Senate, and a direct infringement of the old constitution; as it transferred to the people a right, which they had never exercised, or pretended to before <sup>11</sup>. It convinced the Senate, however, that all opposition was vain; so that when Cæsar soon after declared a desire to have the Transalpine Gaul added to his other Provinces, they decreed it to him readily themselves; to prevent his recurring a second time to the people, and establishing a precedent, so fatal to their authority <sup>12</sup>.

Clodius began now to threaten Cicero with all the terrors of his Tribune; to which he was elected without any opposition: and in proportion as the danger approached, Cicero's apprehensions were every day more and more alarmed. The absence of his friend Atticus, who was lately gone to Epirus, was an additional mortification to him: for Atticus having a great familiarity with all the Clodian family, might have been of service, either in dissuading Clodius from any attempt, or in fishing out of him at least what he really intended. Cicero pressed him therefore in every letter to come back again to Rome; "If you love me", says he,

“ as much as I am persuaded you do, hold your-  
“ self ready to run hither, as soon as I call:—  
“ though I am doing, and will do every thing in  
“ my power to save you that trouble ”. — My  
“ wishes and my affairs require you: I shall want  
“ neither counsel, nor courage, nor forces, if I  
“ see you here at the time. I have reason to be  
“ satisfied with Varro: Pompey talks divine-  
“ ly ”. — How much do I wish, that you had  
“ staid at Rome; as you surely would have done,  
“ if you had imagined how things would happen:  
“ we should easily have managed Clodius, or  
“ learnt at least for certain what he meant to do.  
“ At present he flies about; raves; knows not  
“ what he would be at; threatens many; and  
“ will take his measures perhaps at last from  
“ chance. When he reflects, in what a general  
“ odium the administration of our affairs now is,  
“ he seems disposed to turn his attacks upon the  
“ authors of it; but when he considers their  
“ power, and their armies, he falls again upon  
“ me; and threatens me both with violence and  
“ a trial—Many things may be transacted by our  
“ friend Varro, which, when urged also by you,  
“ would have the greater weight; many things  
“ may be drawn from Clodius himself; many  
“ discovered, which cannot be concealed from  
“ you; but it is absurd to run into particulars,  
“ when I want you for all things—the whole de-  
“ pends on your coming before he enters into his  
“ Magistracy ”. Wherefore, if this finds you  
“ asleep, awake yourself; if standing still, come

“ away; if coming, run; if running, fly: it is  
“ incredible, what a stress I lay on your counsel  
“ and prudence; but above all, on your love and  
“ fidelity, &c.”

Cæsar's whole aim in this affair was to subdue Cicero's spirit, and distress him so far, as to force him to a dependence upon him: for which end, while he was privately encouraging Clodius to pursue him, he was proposing expedients to Cicero for his security: he offered to put him into the commission, for distributing the lands of Campania, with which twenty of the principal Senators were charged: but as it was an invitation only into the place of one deceased, and not an original designation, Cicero did not think it for his dignity to accept it; nor cared on any account to bear a part in an affair so odious”; he then offered, in the most obliging manner, to make him one of his Lieutenants in Gaul, and pressed it earnestly upon him: which was both a sure and honorable way of avoiding the danger, and what he might have made use of so far only, as it served his purpose, without embarrassing himself with the duty of it”; yet Cicero, after some hesitation, declined this also. He was unwilling to owe the obligation of his safety to any man, and much more to Cæsar; being desirous, if possible, to defend himself by his own strength; as he could easily have done, if the Triumvirate would not have acted against him. But this stiffness so exasperated Cæsar, that he resolved immediately to assist Clodius, with all his power, to oppress him, and in excuse for it

afterwards, used to throw the whole blame on Cicero himself, for slighting so obstinately all the friendly offers which he made to him <sup>11</sup>. Pompey all this while, to prevent his throwing himself perhaps into Cæsar's hands, was giving him the strongest assurances, confirmed by oaths and vows, that there was no danger, and that he would sooner be killed himself, than suffer him to be hurt; that both Clodius and his brother Appius had solemnly promised to act nothing against him, but to be wholly at his disposal; and if they did not keep their word, that he would let all the world see, how much he preferred Cicero's friendship to all his other engagements. In Cicero's account of this, to Atticus, Varro, says he, gives me full satisfaction. Pompey loves me, and treats me with great kindness. Do you believe him? you'll say. Yes I do, He convinces me, that he is in earnest.—Yet since all men of affairs, in their historical reflections, and even Poets too in their verses admonish us always to be upon our guard, not to believe too easily; I comply with them in one thing, to use all proper caution, as far as I am able; but for the other, find it impossible for me not to believe him <sup>12</sup>.

But whatever really passed between Clodius and Pompey; Cicero perceiving that Clodius talked in a different strain to every body else, and denounced nothing but war and ruin to him, began to be very suspicious of Pompey, and prepared to defend himself by his genuine forces, the Senate and the Knights, with the honest of all

ranks, who were ready to fly to his assistance, from all parts of Italy<sup>111</sup>. This was the situation of affairs, when Clodius entered upon the Tribune; where his first act was, to put the same affront on Bibulus, which had been offered before to Cicero, on laying down that office, by not suffering him to speak to the people, but only to take the accustomed oath.

Q. Metellus Celer, an excellent Citizen and Patriot, who from his Consulship obtained the government of Gaul, to which Cæsar now succeeded, died suddenly this summer at Rome, in the vigor of his health and flower of his age, not without suspicion of violence. His wife, the sister of Clodius, a lewd, intriguing woman, was commonly thought to have poisoned him; as well to revenge his opposition to all the attempts of her brother, as to gain the greater liberty of pursuing her own amours. Cicero does not scruple to charge her with it in his speech for Cælius, where he gives a moving account of the death of her husband, whom he visited in his last moments; when in broken, faltering accents he foretold the storm, which was ready to break, both upon Cicero and the Republic; and in the midst of his agonies signified it to be his only concern in dying, that his friend and his country should be deprived of his help at so critical a conjuncture<sup>114</sup>.

By Metellus's death a place became vacant in the college of Augurs: and though Cicero was so shy of accepting any favor from the Triumvirate, yet he seems inclined to have accepted this, if it had

had been offered to him, as he intimates in a letter to Atticus. Tell me, says he, every tittle of news that is stirring; and since Nepos is leaving Rome, who is to have his brother's Augurate: it is the only thing with which they could tempt me. Observe my weakness! But what have I to do with such things, to which I long to bid adieu, and turn myself entirely to Philosophy? I am now in earnest to do it; and wish that I had been so from the beginning<sup>11</sup>. But his inclination to the Augurate, at this time, was nothing else, we see, but a sudden start of an unweighed thought; no sooner thrown out than retracted; and dropt only to Atticus, to whom he used to open all his thoughts with the same freedom, with which they offered themselves to his own mind<sup>12</sup>: for it is certain, that he might have had this very Augurate, if he had thought it worth asking for; nay, in a letter to Cato, who could not be ignorant of the fact, he says, that he had actually slighted it; which seems indeed to have been the case<sup>13</sup>: for though he was within twenty miles of Rome, yet he never stirred from his retreat to solicit or offer himself for it, which he must necessarily have done, if he had any real desire to obtain it.

Cicero's fortunes seemed now to be in a tottering condition: his enemies were gaining ground upon him, and any addition of help from the new Magistrates might turn the scale to his ruin. Catus used to tell him, that he had no cause to fear any thing; for that one good Consul was sufficient to protect him; and Rome had never

known two bad ones in office together, except in Cinna's tyranny <sup>11</sup>. But that day was now come; and Rome saw in this year, what it had never seen before in peaceful times since it's foundation, two profligate men advanced to that high dignity.

**A. Urb. 695.** These were L. Calpurnius Piso and A. Gabinius;

**Cic. 49.**

**Coff.**

**L. CALPUR-  
NIUS PISO,** Cicero had conceived great hopes of them; and not without reason: for, by the marriage of his daughter, he was allied to Piso; who continued to give him all the marks of his confidence, and had employed him, in his late election, to preside over the votes of the leading Century;

and when he entered into his office, on the first of January, asked his opinion the third in the Senate, or the next after Pompey and Crassus <sup>12</sup>; and he might flatter himself also probably, that, on account of the influence which they were under, they would not be very forward to declare themselves against him <sup>13</sup>. But he presently found himself deceived: for Clodius had already secured them to his measures, by a private contract to procure for them, by a grant of the people, two of the best Governments of the Empire; for Piso, Macedonia, with Greece and Thessaly; for Gabinius, Cilicia: and when this last was not thought good enough, and Gabinius seemed to be displeased with his bargain, it was exchanged soon after for Syria, with a power of making war upon the Parthians <sup>14</sup>. For this price they agreed to serve him in all his designs, and particularly in the

oppression of Cicero; who on that account, often calls them, not Consuls, but brokers of Provinces, and sellers of their Country”.

They were, both of them, equally corrupt in their morals yet very different in their tempers. Piso had been accused the year before by P. Clodius, of plundering and oppressing the allies: when by throwing himself at the feet of his judges in the most abject manner, and in the midst of a violent rain, he is said to have moved the compassion of the bench, who thought it punishment enough for a man of his birth, to be reduced to the necessity of prostrating himself so miserably, and rising so deformed and besmeared with dirt”. But in truth, it was Cæsar’s authority that saved him and reconciled him at the same time to Clodius. In his outward carriage, he affected the mien and garb of a Philosopher; and his aspect greatly contributed to give him the credit of that character: he was severe in his looks; squalid in his dress; slow in his speech; morose in his manners; the very picture of antiquity; and a pattern of the ancient Republic; ambitious to be thought a Patriot, and a reviver of the old discipline. But this garb of rigid virtue covered a most lewd and vicious mind: he was surrounded always with Greeks, to imprint a notion of his learning: but while others entertained them for the improvement of their knowledge; he, for the gratification of his lusts; as his cooks, his pimps, or his drunken companions. In short, he was a dirty, sottish, stupid, Epicurean; wallowing in all the low and

filthy pleasures of life; till a false opinion of his wisdom, the splendor of his great family, and the smoaky images of ancestors whom he resembled in nothing but his complexion, recommended him to the Consulship; which exposed the genuine temper and talents of the man”.

His Colleague Gabinius was no hypocrite but a professed rake from the beginning; gay, foppish, luxurious; always curled, and perfumed; and living in a perpetual debauch of gaming, wine, and women; void of every principle of virtue, honor, and probity; and so desperate in his fortunes through the extravagance of his pleasures, that he had no other resource, or hopes of subsistence, but from the plunder of the Republic. In his Tribune, to pay his court to Pompey, he exposed to the mob the plan of Lucullus’s house, to show what an expensive fabric one of the greatest subjects of Rome was building, as he would intimate, out of the spoils of the Treasury: yet this vain man, oppressed with debts, and scarce able to show his head, found means, from the perquisites of his Consulship, to build a much more magnificent palace, than Lucullus himself had done”. No wonder then, that two such Consuls, ready to sacrifice the Empire itself to their lusts and pleasures, should barter away the safety and fortunes of a private Senator, whose virtue was a standing reproof to them, and whose very presence gave some check to the free indulgence of their vices.

Clodius having gained the Consulship, made his

next attempt upon the people, by obliging them with several new laws, contrived chiefly for their advantage, which he now promulgated. First, that corn should be distributed gratis to the Citizens. Secondly, that no Magistrates should take the Auspices, or observe the heavens, when the people were actually assembled on public business. Thirdly, that the old Companies or Fraternities of the City, which the Senate had abolished, should be revived, and new ones instituted. Fourthly, to please those also of higher rank, that the Censors should not expel from the Senate, or inflict any mark of infamy on any man, who was not first openly accused and convicted of some crime by their joint sentence<sup>11</sup>. These laws, though generally agreeable, were highly unseasonable; tending to relax the public discipline, at a time when it wanted most to be reinforced: Cicero took them all to be levelled at himself, and contrived to pave the way to his ruin; so that he provided his friend L. Ninnius, one of the Tribunes, to put his negative upon them; especially on the law of Fraternities; which, under color of incorporating those societies, gave Clodius an opportunity of gathering an army, and enlisting into his service all the scum and dregs of the City<sup>12</sup>. Dion Cassius says, that Clodius fearing, lest this opposition should retard the effect of his other projects, persuaded Cicero, in an amicable conference, to withdraw his Tribune, and give no interruption to his laws, upon a promise and condition, that he would not make any attempt against him<sup>13</sup>: but

we find from Cicero's account, that it was the advice of his friends, which induced him to be quiet against his own judgment; because the laws themselves were popular, and did not personally affect him: though he blamed himself soon afterwards for his indolence, and expostulated with Atticus for advising him to it; when he felt to his cost the advantage which Clodius had gained by it".

For the true design of all these laws, was, to introduce only with better grace, the grand plot of the play; the banishment of Cicero: which was now directly attempted by a special law, importing, that whoever had taken the life of a Citizen uncondemned and without a trial, should be prohibited from fire and water<sup>\*\*</sup>. Though Cicero was not named, yet he was marked out by the law: his crime was, the putting Catiline's accomplices to death; which though not done by his single authority, but by a general vote of the Senate, and after a solemn hearing and debate, was alledged to be illegal, and contrary to the liberties of the people. Cicero, finding himself thus reduced to the condition of a criminal, changed his habit upon it, as it was usual in the case of a public impeachment; and appeared about the streets in a sordid or mourning gown, to excite the compassion of his Citizens: whilst Clodius, at the head of his mob, contrived to meet and insult him at every turn; reproaching him for his cowardice and dejection, and throwing dirt and stones at him<sup>\*\*</sup>. But Cicero soon gathered friends

enough about him to secure him from such insults; " the whole body of the Knights and the " young Nobility, to the number of twenty-thou- " sand ", with young Crassus at their head; " who all changed their habit, and perpetually " attended him about the City, to implore the " protection and assistance of the people."

The City was now in great agitation, and every part of it engaged on one side or the other. The Senate met in the Temple of Concord; while Cicero's friends assembled in the Capitol; whence all the Knights and the young Nobles went in their habit of mourning to throw themselves at the feet of the Consuls, and beg their interposition in Cicero's favor. Piso kept his house that day on purpose to avoid them; but Gabinius received them with intolerable rudeness, though their petition was seconded by the entreaties and tears of the whole Senate: he treated Cicero's character and Consulship with the utmost derision, and repulsed the whole company with threats and insults for their fruitless pains to support a sinking cause. This raised great indignation in the assembly; where the Tribune Ninnius, instead of being discouraged by the violence of the Consul, made a motion, that the Senate also should change their habit with the rest of the City; which was agreed to instantly by an unanimous vote. Gabinius, enraged at this, flew out of the Senate into the Forum; where he declared to the people from the Rostra, " that men were mistaken to imagine, that the " Senate had any power in the Republic; that the

" Knights should pay dear for that day's work ;  
" when, in Cicero's Consulship, they kept guard  
" in the Capitol with their drawn swords : and  
" that the hour was now come, when those,  
" who lived at that time in fear, should revenge  
" themselves on their enemies : and to confirm the  
" truth of what he said, he banished L. Lamia,  
" a Roman Knight, two hundred miles from the  
" City, for his distinguished zeal and activity in  
" Cicero's service " ; " an act of power, which no  
Consul before him had ever presumed to exert on  
any Citizen ; which was followed presently " by  
" an edict from both the Consuls ; forbidding the  
" Senate to put their late vote in execution, and  
" enjoining them to resume their ordinary dress " .  
" And where is there, " says Cicero, " in all  
" history, a more illustrious testimony to the honor  
" of any man, than, that all the honest by private  
" inclination, and the Senate by a public decree,  
" should change their habit for the sake of a single  
" Citizen ? " . "

But the resolution of changing his gown was  
too hasty and inconsiderate, and helped to precipi-  
tate his ruin. He was not named in the law,  
nor personally affected by it : the terms of it were  
general and seemingly just, reached only to those,  
who had taken the life of a Citizen illegally.  
Whether this was his case, or not, was not yet  
the point in issue, but to be the subject of another  
trial : so that by making himself a criminal before  
his time, he shortened the trouble of his enemies,  
discouraged his friends, and made his case more

desperate than he needed to have done: whereas, if he had taken the part of commanding or slighting the law, as being wholly unconcerned in it; and when he came to be actually attacked by a second law, and brought to a trial upon it, had stood resolutely upon his defence, he might have baffled the malice of his prosecutors. He was sensible of his error, when it was too late; and oft reproaches Atticus, that being a stander by, and less heated in the game than himself, he would suffer him to make such blunders ".

As the other Consul, Piso, had not yet explicitly declared himself, so Cicero, accompanied by his son-in-law, who was his near kinsman, took occasion to make him a visit, in hopes to move him to espouse his cause, and support the authority of the Senate. They went to him about eleven in the morning, and found him, as Cicero afterwards told the Senate, "coming out from a " little, dirty hovel fresh from the last night's " debauch, with his slippers on, his head muffled, " and his breath so strong of wine, that they " could hardly bear the scent of it: he excused " his dress, and smell of wine, on the account " of his ill health; for which he was obliged," he said, "to take some vinous medicines; but he " kept them standing all the while in that filthy " place, till they had finished their business. As " soon as Cicero entered into the affair, he frankly " told them, that Gabinius was so miserably poor, " as not to be able to show his head; and must " be utterly ruined, if he could not procure some

" rich province ; that he had hopes of one from  
" Clodius, but despaired of any thing from the  
" Senate ; that for his own part, it was his busi-  
" ness to humor him on this occasion, as Cicero  
" had humored his Colleague in his Consulship,  
" and that there was no reason to implore 'the  
" help of the Consuls, since it was every man's  
" duty to look to himself'" : " which was all that  
they could get from him.

Clodius, all the while, was not idle, but pushed on his law with great vigor ; and calling the people into the Flaminian Circus, summoned thither also the young Nobles and the Knights, who were so busy in Cicero's cause, to give an account of their conduct to that assembly : but as soon as they appeared, he ordered his slaves and mercenaries to fall upon them with drawn swords, and volleys of stones, in so rude a manner, that Hortensius was almost killed, and Vibienus, another Senator, so desperately hurt, that he died soon after of his wounds <sup>111</sup>. Here he produced the two Consuls, to deliver their sentiments to the people on the merit of Cicero's Consulship ; when Gabinius declared with great gravity that he utterly condemned the putting Citizens to death without a trial : Piso only said, that he had always been on the merciful side, and had a great aversion to cruelty <sup>112</sup>. The reason of holding this assembly in the Flaminian Circus, without the gates of Rome, was to give Cæsar an opportunity of assisting at it, who, being now invested with a military command, could not appear within the walls. Cæsar therefore

being called upon, after the Consuls, to deliver his mind on the same question, declared, "that the proceedings against Lentulus and the rest were irregular and illegal; but that he could not approve the design of punishing any body for them: that all the world knew his sense of the matter, and that he had given his vote against taking away their lives; yet he did not think it right to propound a law at this time, about things that were so long past". This answer was artful, and agreeable to the part which he was then acting; for while it confirmed the foundation of Clodius's law, it carried a show of moderation towards Cicero; or, as an ingenious writer expresses it, left appearances only to the one, but did real service to the other".

In this same assembly, Clodius got a new law likewise enacted, that made a great alteration in the constitution of the Republic; viz. the repeal of the *Ælian* and *Fusian* laws: by which the people were left at liberty to transact all public business, even on the days called *Fasti*, without being liable to be obstructed by the Magistrates on any pretence whatsoever". The two laws, now repealed, had been in force about a hundred years"; and made it unlawful to act any thing with the people, while the *Augurs* or *Consuls* were observing the heavens and taking the *auspices*. This wise constitution was the main support of the aristocratical interest, and a perpetual curb to the petulance of factious *Tribunes*, whose chief opportunity of doing mischief lay in their power

of obtruding dangerous laws upon the City, by their credit with the populace. "Cicero therefore frequently laments the loss of these two laws, " as fatal to the Republic;" he calls them " the most sacred and salutary laws of the State; the fences of their civil peace and quiet; the very walls and bulwarks of the Republic; which had held out against the fierceness of the Gracchi; the audaciousness of Saturninus; the mobs of Drusus; the bloodshed of Cinna; the arms of Sylla ", to be abolished at last by the violence of this worthless Tribune.

Pompey, who had hitherto been giving Cicero the strongest assurances of his friendship, and been frequent and open in his visits to him, began now, as the plot ripened towards a crisis, to grow cool and reserved; while the Clodian faction, fearing lest he might be induced at last to protect him, were employing all their arts "to infuse jealousies and suspicions into him of a design against him from Cicero. They posted some of their confidents at Cicero's house, to watch his coming thither, and to admonish him by whispers and billets put into his hands, to be cautious of venturing himself there, and to take better care of his life; which was inculcated to him likewise so strongly at home by perpetual letters and messages from pretended friends, that he thought fit to withdraw himself from the City, to his house on the Alban hill ". It cannot be imagined, that he could entertain any real apprehension of Cicero; both Cicero's character

and his own make that incredible: but if he had conceived any, it was not, as Cicero says, against him, but against the common enemies of them both, lest they might possibly attempt somewhat in Cicero's name; and, by the opportunity of charging it upon Cicero, hope to get rid of them both at the same time. But the most probable conjecture is, that being obliged, by his engagements with Cæsar, to desert Cicero, and suffer him to be driven out of the City, he was willing to humor these insinuations, as giving the most plausible pretext of excusing his perfidy.

But Cicero had still with him not only all the best, but much the greatest part of the City; determined to run all hazards, and expose their lives for his safety"; and was more than a match for all the strength of Clodius and the Consuls, if the Triumvirate only would stand neuter. Before things came therefore to extremity, he thought it advisable to press Pompey in such a manner, as to know for certain, what he had to expect from him: some of his chief friends undertook this task; Lucullus, Torquatus, Lentulus, &c. who, with a numerous attendance of Citizens, went to find him at his Alban Villa, and to intercede with him, not to desert the fortunes of his old friend. He received them civilly, though coldly; referring them wholly to the Consuls, and declaring "that he, being only a private man, could "not pretend to take the field against an armed "Tribune, without a public authority; but if "the Consuls, by a decree of the Senate, would

" enter into the affair, he would presently arm  
" himself in their defence " " . " With this answer  
they addressed themselves again to the Consuls: but with no better success than before: Gabinius  
treated them rudely; but Piso calmly told them, that he was not so stout a Consul, as Torquatus  
and Cicero had been; that there was no need of  
arms, or fighting; that Cicero might save the  
Republic a second time, if he pleased, by with-  
drawing himself; for if he staid, it would cost  
an infinite quantity of civil blood; and in short,  
that neither he, nor his colleague, nor his son-  
in-law, Cæsar, would relinquish the party of the  
Tribune " " .

After this repulse, Cicero resolved to make  
his last effort on Pompey, by throwing himself in-  
person at his feet. Plutarch tells us, that Pompey  
slipt out a back door, and would not see him: but  
it is certain from Cicero's account, that he was  
admitted to an audience; " and when he began  
" to press, and even supplicate him, in a manner  
" the most affecting, that Pompey flatly refused  
" to help him; alledging in excuse to himself,  
" the necessity, which he was under, of acting  
" nothing against the will of Cæsar " " . " This  
experiment convinced Cicero that he had a much  
greater power to contend with, than what had  
yet appeared in sight: he called therefore a coun-  
cil of his friends, with intent to take his final  
resolution, agreeably to their advice. The ques-  
tion was, Whether it was best to stay, and defend

himself by force; or to save the effusion of blood, by retreating, till the storm should blow over: Lucullus advised the first; but Cato, and above all Hortensius, warmly urged the last, which concurring also with Atticus's advice, as well as the fears and entreaties of all his own family, made him resolve to quit the field to his enemies, and submit to a voluntary exile <sup>100</sup>.

A little before his retreat he took a small statue of Minerva, which had long been reverenced in his family, as a kind of Tutelar Deity, and carrying it to the Capitol, placed it in the Temple of Jupiter under the title of Minerva, the guardian of the City <sup>101</sup>. His view might possibly be to signify, that after he had done all, which human prudence could contrive, for the defence of the Republic, he was now forced to give it up to the protection of the Gods; since nothing less than the interposition of some Deity could preserve it from ruin; or rather, as he himself seems to intimate, in the uncertain issue of his flight, and the plunder of his goods, which was likely to ensue, he had a mind to preserve this sacred image, in the most conspicuous part of the City, as a monument of his services, which would naturally excite an affectionate remembrance of him in the people, by letting them see, that his heart was still there, where he had deposited his Gods. After this act he withdrew himself in the night, escorted by a numerous guard of friends, who, after a day's journey or

two, left him, with great expressions of tenderness, to pursue his way towards Sicily; which he proposed for the place of his residence, and where, for his eminent services to the island, he assured himself of a kind reception and safe retreat.

SECT.

## S E C T. V.

THE wretched alternative to which Cicero A. Urb. 695.  
 was reduced, of losing either his country or his  
 life, is sufficient to confute all the cavils of those,  
 who, from a hint or two in his writings, ob-  
 scurely thrown out, and not well understood, are  
 so forward to charge him with the levity of  
 temporizing, or selling himself for any bribe,  
 which could feed his vanity: for nothing is more  
 evident, than that he might not only have avoid-  
 ed this storm, but obtained whatever honors he  
 pleased, by entering into the measures of the Tri-  
 umvirate; and lending his authority to the support  
 of their power; and that the only thing which  
 provoked Cæsar to bring this calamity upon him  
 was, to see all his offers slighted, and his friendship  
 utterly rejected by him. "This" he expressly  
 declares to the Senate, who were conscious of the  
 truth of it; "That Cæsar had tried all means to  
 " induce him to take part in the acts of his Con-  
 " fulship; had offered him Commissions and  
 " Lieutenancies of what kind, and with what  
 " privileges he should desire; to make him even  
 " a fourth in the alliance of the Three, and to  
 " hold him in the same rank of friendship with  
 " Pompey himself. — All which I refused," says  
 he, "not out of slight to Cæsar, but constancy  
 " to my principles; and because I thought the

Cic. 49.  
 Coll.  
 L. CALPUR-  
 NIUS PISO,  
 A. GABINI-  
 US.

“ acceptance of them unbecoming the character,  
 “ which I sustained; how wisely, I will not dis-  
 “ pute; but I am sure, that it was firmly and  
 “ bravely; when instead of baffling the malice  
 “ of my enemies, as I could easily have done  
 “ by that help, I chose to suffer any violence,  
 “ rather than desert your interest, and descend  
 “ from my own rank.”

Caesar continued at Rome, till he saw Cicero driven out of it; but had no sooner laid down his Consulship, than he began to be attacked and affronted himself, by two of the new Praetors, L. Domitius and C. Memmius; who called in question the validity of his acts, and made several efforts in the Senate to get them annulled by public authority. But the Senate had no stomach to meddle with an affair so delicate: so that the whole ended in some fruitless debates and altercations; and Caesar, to prevent all attempts of that kind in his absence, took care always, by force of bribes, to secure the leading Magistrates to his interests; and so went off to his province of Gaul. But as this unexpected opposition gave some little ruffle to the Triumvirate, so it served them as an additional excuse for their behaviour towards Cicero; alledging, that their own dangers were nearer to them, than other people's; and that they were obliged for their own security, not to irritate so popular a Tribune as Clodius.

As soon as it was known that Cicero was gone, Clodius filled the Forum with his band of

slaves and incendiaries', and published a second law, to the Roman People, as he called them, though there was not one honest Citizen, or man of credit among them<sup>1</sup>. The law, as we may gather from the scattered passages of it, was conceived in the following terms.

“Whereas M. T. Cicero has put Roman Citizens to death unheard and uncondemned; and for that end forged the authority and decree of the Senate; may it please you to ordain, that he be interdicted from fire and water: that no body presume to harbour or receive him on pain of death: and that whoever shall move, speak, vote, or take any step towards recalling him, he should be treated as a public enemy; unless those should first be recalled to life, whom Cicero unlawfully put to death<sup>2</sup>.”

The law was drawn by Sext. Clodius, the kinsman and prime minister of the Tribune; though Vatinius also laid some claim to it, and was the only one of Senatorian rank who openly approved it<sup>3</sup>. It was essentially null and invalid, both for the matter and the form: for in the first place, it was not properly a law but what they called a privilege; or an act, to inflict penalties on a particular Citizen by name, without any previous trial; which was expressly prohibited by the most sacred and fundamental constitutions of the Republic<sup>4</sup>. Secondly, the terms of it were so absurd; that they annulled themselves; for it enacted; not that Cicero may or should be; but that he be interdicted; which was impossible; since no power on earth, says Cicero, can make a thing to be

done, before it be done". Thirdly, the penal clause being grounded on a suggestion notoriously false, that Cicero had forged the decrees of the Senate; it could not possibly stand, for want of a foundation". Lastly, though it provided that no body should harbour him, yet it had not ordered him to be expelled, or enjoined him to quit the City". It was the custom, in all laws made by the Tribes, to insert the name of the Tribe, which was first called to vote; and of the man, who first voted in it for the law; that he might be transmitted down with the law itself, as the principal espouser and promoter of it". This honor was given to one Sedulius, a mean, obscure fellow, without any settled habitation, who yet afterwards declared, that he was not in Rome at the time, and knew nothing at all of the matter: which gave Cicero occasion to observe, when he was reproaching Clodius with this act, that Sedulius might easily be the first voter, who for want of a lodging, used to lie all night in the Forum; but it was strange, that when he was driven to the necessity of forging a leader, he should not be able to find a more reputable one".

With this law against Cicero, there was another published at the same time, which according to the stipulation already mentioned, was to be the pay and price for it: to grant to the two Consuls the provinces above specified, with a provision of whatever troops and money they thought fit". Both the laws passed without opposition; and Clodius lost no time in putting the first of them in

execution; but fell to work immediately in plundering, burning and demolishing Cicero's houses, both in the City and the country. The best part of his goods was divided between the two Consuls; the marble columns of his Palatine house were carried publicly to Piso's father-in-law; and the rich furniture of his Tuscan Villa to his neighbour Gabinius; who removed even the trees of his plantations into his own grounds": and to make the loss of his house in Rome irretrievable, Clodius consecrated the Area, on which it stood, to the perpetual service of religion, and built a temple upon it to the Goddess Liberty".

While Cicero's house was in flames, the two Consuls, with all their seditious crew round them, were publicly feasting and congratulating each other for their victory, and for having revenged the death of their old friends on the head of Cicero: where, in the gaiety of their hearts, Gabinius openly bragged, that he had always been the favorite of Catiline; and Piso, that he was cousin to Cethegus". Clodius in the mean while, not content with exerting his vengeance only on Cicero's houses, pursued his wife and children with the same fury: and made several attempts to get young Cicero, the son, into his hands, then about six years old, with an intent to kill him": but the child was carefully guarded by the friends of the family and removed from the reach of his malice. Terentia had taken sanctuary in the temple of Vesta; but was dragged out of it forcibly, by his orders, to the public Office or Tribunal, where he was

sitting, to be examined, about the concealment of her husband's effects: but being a woman of singular spirit and resolution, she bore all his insults with a masculine courage".

But while Clodius seemed to aim at nothing in this affair, but the gratification of his revenge, he was carrying on a private interest at the same time, which he had much at heart. The house, in which he himself lived, was contiguous to a part of Cicero's ground; which, being now laid open, made that side of the Palatine hill the most airy and desirable situation in Rome: his intention therefore was, by the purchase of another house which stood next to him, to make the whole Area his own, with the benefit of the fine Portico and Temple annexed: so that he had no sooner demolished Cicero's house, than he began to treat with the owner of the next, Q. Seius Postumus, a Roman Knight, who absolutely refused to sell it, and declared, that Clodius, of all men, should never have it, while he lived; Clodius threatened to obstruct his windows; but finding that neither his threats, nor offers availed any thing, he contrived, to get the Knight poisoned; and so bought the house, after his death, at the sale of his effects, by outbidding all who offered for it. His next step was, to secure the remaining part of Cicero's area, which was not included in the consecration, and was now also exposed by his direction, to a public auction; but as it was not easy to find any Citizen who would bid for it; and he did not care to buy it in his own name, he was

forced to provide an obscure needy fellow, called Scato, to purchase it for him, and by that means became master of the most spacious habitation in all the City <sup>20</sup>.

This desolation of Cicero's fortunes at home, and the misery, which he suffered abroad, in being deprived of every thing that was dear to him, soon made him repent of the resolution of his flight; which he ascribes to the envy and treachery of his counsellors, who taking the advantage of his fears, and the perplexity, which he was under, pushed him to an act both ruinous and inglorious. This he chiefly charges on Hortensius: and though he forbears to name him to Atticus, on account of the strict friendship between them, yet he accuses him very freely to his brother Quintus, of coming every day insidiously to his house, and with the greatest professions of zeal and affection, perpetually insinuating to his hopes and fears, that by giving way to the present rage, he could not fail of being recalled with glory in three days time <sup>21</sup>. Hortensius was particularly intimate at this time with Pompey; and might possibly be employed to urge Cicero to this step, in order to save Pompey the disgrace of being forced to act against him with a high hand. But let that be as it will, it was Pompey's conduct, which shocked Cicero the most; not for it's being contrary to his oaths, which the ambitious can easily dispense with, but to his interest, which they never neglect, but through weakness. The consideration of what was useful

to Pompey, made him depend on his assistance \*\*; he could have guarded against his treachery, but could not suspect him of the folly, of giving himself entirely up to Cæsar, who was the principal mover and director of the whole affair.

In this ruffled and querulous state of his mind, stung with the recollection of his own mistakes, and the perfidy of his friends, he frequently laments, that he had not tried the fate of arms, and resolved either to conquer bravely, or fall honorably: which he dwells so much upon in his letters, as to seem persuaded, that it would have been his wisest course. But this is a problem, not easy to be solved: it is certain, that his enemies were using all arts, to urge him to the resolution of retreating; as if they apprehended the consequences of his stay; and that the real aim of the Triumvirate was, not to destroy, but to humble him; yet it is no less certain, that all resistance must have been vain, if they had found it necessary to exert their strength against him; and that they had already proceeded too far, to suffer him to remain in the City, in defiance of them: and if their power had been actually employed to drive him away, his return must have been the more desperate, and they the more interested to keep him out; so that it seems to have been his most prudent part, and the most agreeable to his character, to yield, as he did, to the necessity of the times.

But we have a full account of the motives of his retreat, in the speeches, which he made after

his return, both to the Senate and the people. " When I saw the Senate ", says he , " deprived of its leaders ; myself partly pushed, and partly betrayed by the Magistrates , the slaves enrolled by name, under the color of Fraternities ; the remains of Catiline's forces brought again into the field , under their old Chiefs ; the Knights terrified with Proscriptions ; the Corporate Towns with military execution ; and all with death and destruction ; I could still have defended myself by arms ; and was advised to it by many brave friends, nor did I want that same courage, which you had all seen me exert on other occasions ; but when I saw, at the same time, that, if I conquered my present enemy, there were many more behind, whom I had still to conquer ; that if I happened to be conquered, many honest men would fall both with me and after me ; that there were people enough ready to revenge the Tribune's blood, while the punishment of mine would be left to the forms of a trial and to posterity ; I resolved not to employ force in defending my private safety, after I had defended that of the public without it : and was willing, that honest men should rather lament the ruin of my fortunes, than make their own desperate by adhering to me : and if after all I had fallen alone, that would have been dishonorable to myself : if amidst the slaughter of my Citizens, fatal to the Republic ". "

In another speech ; " If in so good a cause , "

says he, " supported with such zeal by the Senate; by the concurrence of all honest men; " by the ready help of all Italy; I had given " way to the rage of a despicable Tribune, or " feared the levity of two contemptible Consuls, I must own myself to have been a coward, without heart or head—but there were " other things which moved me. That fury " Clodius was perpetually proclaiming in his harangues, that what he did against me, was " done by the authority of Pompey, Crassus, " and Cæsar—that these Three were his counsellors in the cabinet, his leaders in the field; " one of whom had an army already in Italy, and " the other Two could raise one whenever they " pleased——What then? Was it my part to " regard the vain brags of an enemy, falsely " thrown out against those eminent men? No; " it was not his talking, but their silence, which " shocked me; and, though they had other " reasons for holding their tongues, yet to one " in my circumstances, their saying nothing was " a declaration; their silence a confession: they " had cause indeed to be alarmed on their own " account, lest their acts of the year before " should be annulled by the Prætors and the " Senate——many people also were instilling " jealousies of me into Pompey, and perpetually admonishing him to beware of me—— " and as for Cæsar, whom some imagined to be " angry with me, he was at the gates of the " City with an army; the command of which

" he had given to Appius , my enemy's brother—When I saw all this, which was open and manifest to every body ; what could I do ? — When Clodius declared in a public speech , that I must either conquer twice , or perish — so that neither my victory , nor my fall would have restored the peace of the Republic " . "

Clodius , having satiated his revenge upon Cicero , proposed another law , not less violent and unjust , against Ptolemy , King of Cyprus ; to deprive him of his kingdom , and reduce it to a Roman province , and confiscate his whole estate . This Prince was brother to the King of Ægypt , and reigning by the same right of hereditary succession ; in full peace and amity with Rome ; accused of no practices , nor suspected of any designs against the Republic ; whose only crime was to be rich and covetous ; so that the law was an unparalleled act of injustice , and what Cicero , in a public speech , did not scruple to call a mere robbery " . But Clodius had an old grudge to the King , for refusing to ransom him , when he was taken by the Pirates ; and sending him only the contemptible sum of two talents " : and what , says Cicero , must other Kings think of their security , to see their crowns and fortunes at the disposal of a Tribune , and fix hundred mercenaries " ? The law passed , however , without any opposition ; and to sanctify it , as it were , and give it the better face and color of justice , Cato was charged with the execution of it : which gave

Clodius a double pleasure, by imposing so shameful a task upon the gravest man in Rome. It was a part likewise of the same law, as well as of Cato's commission, to restore certain exiles of Byzantium, whom their city had driven out for crimes against the public peace ". The engaging Cato in such dirty work was a master-piece, and served many purposes of great use to Clodius: first, to get rid of a troublesome adversary for the remainder of his magistracy: secondly, to fix a blot on Cato himself, and show, that the most rigid pretenders to virtue might be caught by a proper bait: thirdly, to stop his mouth for the future, as he openly bragged, from clamoring against extraordinary commissions: fourthly, to oblige him, above all, to acknowledge the Validity of his acts, by his submitting to bear a part in them ". The Tribune had the satisfaction to see Cato taken in his trap; and received a congratulatory letter upon it from Cæsar, addressed to him in the familiar style, of Cæsar to Clodius; which he read publicly to the people, as a proof of the singular intimacy between them ". King Ptolemy, in the mean while, as soon as he heard of the law, and of Cato's approach towards Cyprus, put an end to his life by poison, unable to bear the disgrace, of losing at once both his crown and his wealth. Cato executed his commission with great fidelity; and returned the year following, in a kind of triumph to Rome, with all the King's effects reduced into money, amounting to about a million and a half Sterling; which he delivered with great Pomp into the public treasury ".

This proceeding was severely condemned by Cicero ; though he touches it in his public speeches with some tenderness for the sake of Cato ; whom he labors to clear from any share of the iniquity : "The Commission," says he, "was contrived, not to adorn, but to banish Cato ; not offered, but imposed upon him. — Why did he then obey it ? Just as he has sworn to obey other laws which he knew to be unjust, that he might not expose himself to the fury of his enemies, and without doing any good, deprive the Republic of such a Citizen. — If he had not submitted to the law, he could not have hindered it, the stain of it would still have stuck upon the Republic, and he himself suffered violence for rejecting it ; since it would have been a precedent for invalidating all the other acts of that year : he considered therefore, that since the scandal of it could not be avoided, he was the person the best qualified to draw good out of evil, and to serve his country well, though in a bad cause ". " But howsoever this may color, it cannot justify Cato's conduct ; who valued himself highly upon his Cyprian transactions ; and for the sake of that commission was drawn in, as Clodius expected, to support the authority, from which it flowed, and to maintain the legality of Clodius's Tribune in some warm debates even with Cicero himself ".

Among the other laws made by Clodius, there was one likewise, to give relief to the private

members of Corporate Towns, against the public injuries of their communities. The purpose of it was specious, but the real design, to skreen a creature of his own, one Merula, of Anagnia, who had been punished or driven from the City for some notorious villanies, and who, in return for this service, erected a statue to his patron, on part of the area of Cicero's house, and inscribed it to Clodius, the author of so excellent a law. But as Cicero told him afterwards in one of his speeches, the place itself where the statue stood, the scene of so memorable an injury, confuted both the excellency of the law and the inscription \*\*.

But it is time for us to look after Cicero in his flight, who left Rome about the end of March; for on the eighth of April we find him at Vibo, a town in the most southern part of Italy; where he spent several days with a friend, named Sica: here he received the copy of the law made against him; which after some alteration and correction fixed the limits of his exile to the distance of four hundred miles from Italy \*\*. His thoughts had hitherto been wholly bent on Sicily; but when he was arrived within sight of it the Prætor C. Virgilius sent him word, that he must not set his foot in it. This was a cruel shock to him; and the first taste of the misery of disgrace; that an old friend, who had been highly obliged to him \*\*, of the same party and principles, should refuse him shelter in a calamity, which he had drawn upon himself by his services to the Republic;

speaking of it afterwards, when it was not his business to treat it severely, " See," says he, " the horror of these times; when all Sicily was coming out to meet me, the Praetor who had often felt the rage of the same Tribune, and in the same cause, would not suffer me to come into the island. What shall I say? That Virgilius, such a Citizen, and such a man, had lost all benevolence, all remembrance of our common sufferings, all his pity, humanity and faith towards me? No such thing: he was afraid, how he should singly sustain the weight of that storm, which had overpowered our joint forces".

This unexpected repulse from Sicily obliged him to change his route, and turn back again towards Brundisium, in order to pass into Greece: he left Vibo therefore, that he might not expose his Host Sica to any danger, for entertaining him; expecting to find no quiet, till he could remove himself beyond the bounds, prescribed by the law. But in this he found himself mistaken; for all the Towns on his road received him with the most public marks of respect: inviting him to take up his quarters with them; and guarding him as he passed through their territories, with all imaginable honor and safety to his person. He avoided however as much as possible all public places; and when he came to Brundisium, would not enter into the City though it expressed the warmest zeal for his service, and offered to run all hazards in his defence".

In this interval, he was pressing Atticus in every letter, and in the most moving terms, to come to him ; and when he removed from Vibo, gave him daily intelligence of all his stages, that he might know still where to find him ; taking it for granted, that he would not fail to follow him". But Atticus seems to have given him no answer on this head, nor to have had any thoughts of stirring from Rome : he was persuaded perhaps, that his company abroad could be of no other use to him, than to give some little relief to his present chagrin ; whereas his continuance in the City might be of the greatest ; not only in relieving, but in removing his calamity, and procuring his restoration : or we may imagine, what his character seems to suggest, that though he had a greater love for Cicero, than for any man, yet it was always with an exception, of not involving himself in the distress of his friend, or disturbing the tranquillity of his life by taking any share of another's misery ; and that he was following only the dictates of his temper and principles, in sparing himself a trouble, which would have made him suffer more, than his Philosophy could easily bear. But whatever was the cause, it gave a fresh mortification to Cicero ; who, in a letter upon it says, I made no doubt, but that I should see you at Tarentum or Brundisium : it would have been convenient for many reasons ; and above all, for my design of spending some time with you in Epirus, and regulating all my measures by your advice : but since it has not

not happened, as I wished, I shall add this also, to the great number of many other afflictions". He was now lodged in the Villa of M. Lanius Flaccus, not far from the walls of Brundisium; where he arrived on the seventeenth of April, and on the last of the same Month embarked for Dyrrachium. In his account of himself to his wife, I spent thirteen days, says he, with Flaccus, who for my sake slighted the risk of his fortunes and life; nor was deterred by the penalty of the law from performing towards me all the rights of friendship and hospitality: I wish, that it may ever be in my power to make him a proper return; I am sure, that I shall always think myself obliged to do it".

During his stay with Flaccus, he was in no small perplexity about the choice of a convenient place for his residence abroad: Atticus offered him his house in Epirus; which was a Castle of some strength, and likely to afford him a secure retreat. But since Atticus could not attend him thither in person, he dropt all thoughts of that, and was inclined to go to Athens; till he was informed, that it would be dangerous for him to travel into that part of Greece; where all those, who had been banished for Catiline's conspiracy, and especially Autronius, then resided; who would have had some comfort, in their exile, to revenge themselves on the author of their misery, if they could have caught him".

Plutarch tells us, that in sailing out of Brundisium, the wind, which was fair, changed of a sudden,

and drove him back again ; and when he passed over to Dyrrachium in the second attempt , that there happened an Earthquake and a great storm immediately after his landing : from which the Soothsayers foretold , that his stay abroad would not be long. But it is strange , that a writer , so fond of prodigies , which no body else takes notice of , should omit the story of Cicero's dream , which was more to his purpose , and is related by Cicero himself ; " That in one of the stages of his flight , " being lodged in the Villa of a friend , after he " had lain restless and wakeful a great part of the " night , he fell into a sound sleep near break of " day , and when he awaked about eight in the " morning , told his dream to those round him : " That as he seemed to be wandering disconsolate " in a lonely place , C. Marius , with his Fasces " wreathed with laurel , accosted him , and demanded " why he was so melancholy : and when he " answered , that he was driven out of his country " by violence ; Marius took him by the hand , " and bidding him be of courage , ordered the next " Lictor to conduct him into his monument ; " telling him , that there he should find safety ; " upon this , the company presently cried out ; " that he would have a quick and glorious " return ". " All which was exactly fulfilled ; for his restoration was decreed in a certain Temple built by Marius , and , for that reason , called Marius's Monument ; where the Senate happened to be assembled on that occasion " .

This dream was much talked of in the family ;

and Cicero himself, in that season of his dejection, seemed to be pleased with it: and on the first news, of the decree's passing in Marius's Monument, declared, that nothing could be more divine: yet in disputing afterwards on the nature of dreams, he asserts them all to be vain and fantastical, and nothing else, but the imperfect traces, and confused impressions, which our waking thoughts leave upon the mind; that in his flight therefore, as it was natural for him to think much upon his countryman Marius, who had suffered the same calamity; so that was the cause of his dreaming of him; and that no old woman could be so silly, as to give any credit to dreams, if in the infinite number and variety of them, they did not sometimes happen to hit right".

When he came to Dyrrhachium, he found confirmed, what he had heard before in Italy, that Achaia and the neighbouring parts of Greece were possessed by those Rebels, who had been driven from Rome on Catiline's account. This determined him to go into Macedonia, before they could be informed of his arrival, where his friend, Cn. Plancius, was then Quæstor: who no sooner heard of his landing, than he came to find him at Dyrrhachium; where, out of regard to his present circumstances, and the privacy, which he affected, dismissing his officers, and laying aside all the pomp of Magistracy, he conducted him with the observance of a private companion, to his headquarters at Theffalonica, about the twenty-first of May. L. Appuleius was the Prætor or chief

Governor of the Province : but though he was an honest man and Cicero's friend , yet he durst not venture to grant him his protection , or show him any public civility , but contented himself with conniving only at what his Quæstor Plancius did ".

While Cicero staid at Dyrrhachium , he received two expresses from his Brother Quintus , who was now coming home from Asia , to inform him of his intended route , and to settle the place of their meeting : Quintus's design was , to pass from Ephesus to Athens , and thence by land through Macedonia ; and to have an interview with his Brother at Thessalonica ; but the news , which he met with at Athens , obliged him to hasten his journey towards Rome , where the faction were preparing to receive him with an impeachment , for the maleadministration of his Province : nor had Cicero at last resolution enough to see him ; being unable to bear the tenderness of such a meeting , and much more , the misery of parting , and he was apprehensive besides , that if they once met , they should not be able to part at all , whilst Quintus's presence at home was necessary to their common interests : so that to avoid one affliction , he was forced , he says , to endure another most cruel one , that of shunning the embraces of a Brother ".

L. Tubero , however , his Kinsman , and one of his Brother's Lieutenants , paid him a visit on his return towards Italy , and acquainted him , with what he had learnt in passing through Greece , that

the banished Conspirators, who had resided there, were actually forming a plot to seize and murder him ; for which reason, he advised him to go into Asia ; where the zeal and affection of the Province would afford him the safest retreat, both on his own and his Brother's account ". Cicero was disposed to follow this advice, and leave Macedonia ; for the Praetor Appuleius, though a friend, gave him no encouragement to stay ; and the Consul Piso, his enemy, was coming to the command of it the next winter : but all his friends at Rome dissuaded his removal to any place more distant from them ; and Plancius treated him so affectionately, and contrived to make all things so easy to him, that he dropt the thoughts of changing his quarters. Plancius was in hopes, that Cicero would be recalled with the expiration of his Quæstorship, and that he should have the honor of returning with him to Rome, to reap the fruit of his fidelity, not only from Cicero's gratitude, but the favor of the Senate and People ". The only inconvenience, that Cicero found in his present situation, was the number of soldiers and concourse of people, who frequented the place on account of business with the Quæstor. For he was so shocked and dejected by his misfortune, that though the Cities of Greece were offering their services and compliments, and striving to do him all imaginable honors ", yet he refused to see all company, and was so shy of the republic, that he could hardly endure the light ". For it cannot be denied, that, in this case

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mity of his exile, he did not behave himself with that firmness, which might reasonably be expected from one, who had born so glorious a part in the Republic; conscious of his integrity, and suffering in the cause of his country: for his letters are generally filled with such lamentable expressions of grief and despair, that his best friends, and even his wife was forced to admonish him sometimes, to rouse his courage", and remember his former character. Atticus was constantly putting him in mind of it; and sent him word of a report, that was brought to Rome by one of Crassus's freedmen, that his affliction had disordered his senses, to which he answered; that his mind was still sound, and wished only that it had been always so, when he placed his confidence on those, who perfidiously abused it to his ruin".

But these remonstrances did not please him; he thought them unkind and unseasonable, as he intimates in several of his letters, where he expresses himself very movingly on this subject.  
 "As to your chiding me," says he, "so often and so severely, for being too much dejected; what misery is there, I pray you, so grievous, which I do not feel in my present calamity?  
 "Did any man ever fall from such a height of dignity, in so good a cause, with the advantage of such talents, experience, interest; such support of all honest men? Is it possible for me to forget what I was? or not to feel what I am? From what honor, what glory I am driven? From what children? What for-

“ tunes? What a Brother? Whom though I  
“ love and have ever loved better than myself,  
“ yet, (that you may perceive, what a new sort  
“ of affliction I suffer) I refused to see; that I  
“ might neither augment my own grief by the  
“ sight of his, nor offer myself to him thus  
“ ruined, whom he had left so flourishing: I  
“ omit many other things intolerable to me, for  
“ I am hindered by my tears: tell me then, whe-  
“ ther I am still to be reproached for grieving;  
“ or for suffering myself rather to be deprived  
“ of what I ought never to have parted with;  
“ but with my life, which I might easily have  
“ prevented, if some perfidious friends had not  
“ urged me to my ruin within my own walls,  
“ &c.” In another letter; “Continue,” says  
he, “to assist me, as you do, with your en-  
“ deavours, your advice, and your interest; but  
“ spare yourself the pains of comforting, and  
“ much more of chiding me: for when you do  
“ this I cannot help charging it to your want of  
“ love and concern for me; whom I imagine to  
“ be so afflicted with my misfortune, as to be  
“ inconsolable even yourself.”

He was now indeed attacked in his weakest part; the only place, in which he was vulnerable: to have been as great in affliction, as he was in prosperity, would have been a perfection, not given to man: yet this very weakness flowed from a source, which rendered him the more amiable in all the other parts of life; and the same tenderness of disposition, which made him love his

friends, his children, his country more passionately than other men, made him feel the loss of them more sensibly : "I have twice," says he, "loved the Republic; once, with glory; a second time with misery: for I will never deny myself to be a man; or brag of bearing the loss of a brother, children, wife, country, without sorrow.—For what thanks had been due to me for quitting what I did not value?" In another speech; "I own my grief to have been extremely great; nor do I pretend to that wisdom, which those expected from me, who gave out, that I was too much broken by my affliction: for such a hardness of mind, as of body, which does not feel pain, is a stupidity, rather than a virtue.—I am not one of those, to whom all things are indifferent; but love myself and my friends, as our common humanity requires; and he, who, for the public good, parts with what he holds the dearest, gives the highest proof of love to his country".

There was another consideration, which added no small sting to his affliction; to reflect, as he often does, not only on what he had lost, but how he had lost it, by his own fault; in suffering himself to be imposed upon and deluded by false and envious friends. This he frequently touches upon in a strain, which shows that it galled him very severely: "Though my grief," says he, "is incredible, yet I am not disturbed so much by the misery of what I feel, as the recollection of my fault.—Wherefore when you hear, how

“ much I am afflicted, imagine that I am suffering the punishment of my folly, not of the event; for having trusted too much to one, whom I did not take to be a Rascal.” It must needs be cruelly mortifying to one of his temper; nicely tender of his reputation, and passionately fond of glory; to impute his calamity to his own blunders, and fancy himself the dupe of men not so wise as himself: yet after all, it may reasonably be questioned, whether his inquietude of this sort, was not owing rather to the jealous and querulous nature of affliction itself, than to any real foundation of truth: for Atticus would never allow his suspicions to be just, not even against Hortensius, where they seem to lie the heaviest”. This is the substance of what Cicero himself says, - to excuse the excess of his grief, and the only excuse indeed, which can be made for him; that he did not pretend to be a Stoic nor aspire to the character of a Hero: yet we see some writers laboring to defend him even against himself; and endeavouring to persuade us, that all this air of dejection and despair was wholly feigned and assumed, for the sake of moving compassion, and engaging his friends to exert themselves the more warmly, in soliciting his restoration; lest his affliction should destroy him, before they could effect it”.

When he had been gone a little more than two Months, his friend Ninnius, the Tribune, made a motion in the Senate to recal him, and repeat the law of Clodius: to which the whole house

readily agreed, with eight of the Tribunes, till one of the other two, Ælius Ligus, interposed his negative: they proceeded however to a resolution, that no other business should be transacted, till the Consuls had actually prepared a new law for that purpose<sup>1</sup>. About the same time, Quintus Cicero, who left Afia on the first of May, arrived at Rome; and was received with great demonstrations of respect, by persons of all ranks, who flocked out to meet him<sup>2</sup>. Cicero suffered an additional anxiety on his account, lest the Clodian Cabal, by means of the impeachment, which they threatened, should be able to expel him too: especially, since Clodius's Brother, Appius, was the Praetor, whose lot it was to sit on those trials<sup>3</sup>. But Clodius was now losing ground apace; being grown so insolent, on his late successes, that even his friends could not bear him any longer: for having banished Cicero, and sent Cato out of his way, he began to fancy himself a match for Pompey; by whose help, or connivance at least, he had acquired all his power; and, in open defiance of him, seized by stratagem into his hands the son of King Tigranes, whom Pompey had brought with him from the east, and kept a prisoner at Rome in the custody of Flavius the Praetor; and instead of delivering him up, when Pompey demanded him, undertook, for a large sum of money, to give him his liberty and send him home. This however did not pass without a sharp engagement between him and Flavius, "who marched out of Rome, with a

“ body of men well armed, to recover Tigranes;  
“ by force : but Clodius proved too strong for  
“ him ; and killed a great part of his company,  
“ and among them Papirius, a Roman Knight of  
“ Pompey’s intimate acquaintance, while Flavius  
“ also himself had some difficulty to escape with  
“ life “.”

This affront roused Pompey, to think of recalling Cicero; as well to correct the arrogance of Clodius, as to retrieve his credit, and ingratiate himself with the Senate and People : he dropt some hints of his inclination to Cicero’s friends, and particularly to Atticus, who presently gave him part of the agreeable news : upon which Cicero, though he had no opinion of Pompey’s flattery, was encouraged to write to him; and sent a copy of his letter to Atticus, telling him at the same time, that if Pompey could digest the affront, which he had received in the case of Tigranes, he should despair of his being moved by any thing “. Varro likewise, who had a particular intimacy with Pompey, desired Atticus to let Cicero know, that Pompey would certainly enter into his cause, as soon as he heard from Cæsar, which he expected to do every day. This intelligence from so good an author, raised Cicero’s hopes, till finding no effects of it for a considerable time, he began to apprehend, that there was either nothing at all in it, or that Cæsar’s answer was averse, and had put an end to it “. The fact however shows, what an extraordinary deference Pompey paid to Cæsar, that he would not take

a step in this affair at Rome, without sending first to Gaul, to consult him about it.

The City was alarmed at the same time, by the rumor of a second plot against Pompey's life, said to be contrived by Clodius; one of whose slaves was seized at the door of the Senate, with a dagger, which his master had given him; as he confessed, to stab Pompey: which, being accompanied with many daring attacks on Pompey's person by Clodius's mob, made him resolve, to retire from the Senate and the Forum, till Clodius was out of his Tribune, and shut himself up in his own house, whether he was still pursued and actually besieged by one of Clodius's freedmen, Damio. An outrage so audacious could not be overlooked by the Magistrates, who came out with all their forces, to seize or drive away Damio; upon which a general engagement ensued, where Gabinius, as Cicero says, "was forced to break his league with Clodius, and fight for Pompey; " at first faintly and unwillingly, but at last heartily; while Piso, more religious, stood firm to his contract, and fought on Clodius's side, till his Fasces were broken, and he himself wounded, and forced to run away".

Whether any design was really formed against Pompey's life, or the story was contrived to serve his present views, it seems probable at least, that his fears were feigned, and the danger too contemptible, to give him any just apprehension; but the shutting himself up at home made an impression upon the vulgar, and furnished a better

pretence for turning so quick upon Clodius, and quelling that insolence, which he himself had raised: for this was the constant tenor of his politics; to give a free course to the public disorders, for the sake of displaying his own importance to more advantage; that when the storm was at the height, he might appear at last in the Scene, like a Deity of the Theatre, and reduce all again to order; expecting still, that the people, tired and harassed by these perpetual tumults, would be forced to create him Dictator, for settling the quiet of the City.

The Consuls elect were P. Cornelius Lentulus, and Q. Metellus Nepos: the first was Cicero's warm friend, the second his old enemy; the same, who put that affront upon him on laying down his Consulship: his promotion therefore was a great discouragement to Cicero, who took it for granted, that he would employ all his power to obstruct his return; and reflected, as he tells us, "that though it was a great thing to drive him out, yet as there were many who hated, and more who envied him, it would not be difficult to keep him out". But Metellus, perceiving which way Pompey's inclination, and Cæsar's also was turning, found reason to change his mind, or at least to dissemble it; and promised, not only to give his consent, but his assistance to Cicero's restoration. His Colleague, Lentulus, in the mean while, was no sooner elected, than he revived the late motion of Ninnius, and proposed a vote, to recal Cicero; and when Clodius interrupted him

and recited that part of his law, which made it criminal, to move any thing about it, Lentulus declared it to be no law, but a mere proscription, and act of violence". This alarmed Clodius, and obliged him to exert all his arts, to support the validity of the law; he threatened ruin and destruction to all, who should dare to oppose it; and to imprint the greater terror, fixed up on the doors of the Senate house, that clause which prohibited all men to speak or act in any manner for Cicero's return, on pain of being treated as enemies. This gave a farther disquiet to Cicero, lest it should dishearten his active friends, and furnish an excuse to the indolent, for doing nothing: he insinuates therefore to Atticus, what might be said to obviate it; "that all such clauses were only "bugbears, without any real force; or otherwise, "no law could ever be abrogated; and whatever "effect this was intended to have, that it must "needs fall of course with the law itself".

In this anxious state of his mind, jealous of every thing that could hurt, and catching at every thing that could help him, another little incident happened, which gave him a fresh cause of uneasiness: for some of his enemies had published an invective Oration, drawn up by him for the entertainment only of his intimate friends against some eminent Senator, not named, but generally supposed to be Curio, the Father, who was now disposed and engaged to serve him: he was surprised and concerned, that the oration was made public; and his instructions upon it to

Atticus are somewhat curious; and show how he was struck with the apprehension, of losing so powerful a friend. "You have stunned me," says he, "with the news of the Oration's being published: heal the wound, as you promise, if you possibly can: I wrote it long ago in anger, after he had first written against me; but had suppressed it so carefully, that I never dreamt of its getting abroad, nor can imagine how it slipt out: but since, as fortune would have it, I never had a word with him in person, and it is written more negligently, than my other orations usually are; I cannot but think that you may disown it, and prove it not to be mine: pray take care of this, if you see any hopes for me: if not, there is the less reason to trouble myself about it".

His principal Agents and Solicitors at Rome were his Brother Quintus, his Wife Terentia, his Son-in-law Piso, Atticus, and Sextius. But the Brother and the Wife, being both of them naturally peevish, seem to have given him some additional disquiet, by their mutual complaints against each other; which obliged him to admonish them gently in his letters, that since their friends were so few, they ought to live more amicably among themselves".

Terentia, however, bore a very considerable part of the whole affair; and instead of being daunted by the depression of the family, and the ruin of their fortunes, seems to have been animated rather the more to withstand the violences of their enemies,

and procure her husband's restoration. But one of Cicero's Letters to her in these unhappy circumstances will give the clearest view of her character, and the spirit, with which she acted.

“ Cicero to Terentia.

“ Do not imagine, that I write longer Letters  
“ to any one than to you, unless it be when I  
“ receive a long one from somebody else, which  
“ I find myself obliged to answer. For I have  
“ nothing either to write, nor in my present  
“ situation employ myself on any thing that is  
“ more troublesome to me; and when it is to  
“ you and our dear Tulliola, I cannot write  
“ without a flood of tears. For I see you the most  
“ wretched of women, whom I wished always  
“ to see the happiest, and ought to have made  
“ so; as I should have done, if I had not been so  
“ great a Coward. I am extremely sensible of  
“ Piso's services to us; have exhorted him, as  
“ well as I could, and thanked him as I ought.  
“ Your hopes, I perceive, are in the new Tribunes:  
“ that will be effectual, if Pompey concur with  
“ them: but I am afraid still of Crassus. You do  
“ every thing for me, I see, with the utmost  
“ courage and affection: nor do I wonder at it;  
“ but lament our unhappy fate, that my miseries  
“ can only be relieved by your suffering still  
“ greater: for our good friend, P. Valerius, wrote  
“ me word, what I could not read without  
“ bursting into tears, how you were dragged from

“ from the Temple of Vesta to the Valerian Bank.  
“ Alas my light, my darling, to whom all the  
“ world used to sue for help! that you, my dear  
“ Terentia, should be thus insulted; thus oppressed  
“ with grief and distress! and that I should be  
“ the cause of it; I, who have preserved so many  
“ others, that we ourselves should be undone!  
“ As to what you write about the house, that is,  
“ about the area; I shall then take myself to be  
“ restored, when that shall be restored to us. But  
“ those things are not in our power. What affects  
“ me more nearly is, that when so great an expense  
“ is necessary, it should all lie upon you, who are  
“ so miserably stript and plundered already. If we  
“ live to see an end of these troubles, we shall  
“ repair all the rest. But if the same fortune must  
“ ever depress us, will you throw away the poor  
“ remains, that are left for your subsistence? For  
“ God's sake, my dear life, let others supply the  
“ money, who are able, if they are willing: and  
“ if you love me, do nothing that can hurt  
“ your health, which is already so impaired. For  
“ you are perpetually in my thoughts both day  
“ and night. I see that you decline no sort of  
“ trouble; but am afraid, how you will sustain  
“ it. Yet the whole affair depends on you. Pay  
“ the first regard therefore to your health, that  
“ we may attain the end of all your wishes, and  
“ your labors. I know not whom to write to,  
“ except to those, who write to me, or of whom  
“ you send me some good account. I will not  
“ remove to a greater distance, since you are

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“ against it; but would have you write to me as often as possible, especially if you have any hopes, that are well grounded. Adieu, my dear love, adieu. The 5th of October from Thessalonica.”

Terentia had a particular estate of her own, not obnoxious to Clodius's law, which she was now offering to sale, for a supply of their present necessities: this is what Cicero refers to, where he entreats her not to throw away the small remains of her fortunes; which he presses still more warmly in another Letter, putting her in mind, “ that if their friends did not fail in their duty, she could not want money; and if they did, that her own would do but little towards making them easy: he implores her therefore not to ruin the boy; who, if there was any thing left to keep him from want, would, with a moderate share of virtue and good fortune, easily recover the rest.” Their son-in-law, Piso, was extremely affectionate and dutiful in performing all good offices both to his banished Father and the Family; and resigned the Quæstorship of Pontus and Bithynia, on purpose to serve them the more effectually by his presence in Rome: Cicero makes frequent acknowledgment of his kindness and generosity; “ Piso's humanity, virtue and love for us all is so great,” says he, “ that nothing can exceed it; the Gods grant, that it may one day be a pleasure, I am sure, it will always be an honor to him.”

Atticus likewise supplied them liberally with

money: he had already furnished Cicero, for the exigences of his flight, with above 2000 pounds; and upon succeeding to the great estate of his uncle Cæcilius, whose name he now assumed, made him a fresh offer of his purse": yet his conduct did not wholly satisfy Cicero; who thought him too cold and remiss in his service; and fancied, that it flowed from some secret resentment, for having never received from him, in his flourishing condition, any beneficial proofs of his friendship: in order therefore to rouse his zeal, he took occasion to promise him, in one of his letters, that whatever reason he had to complain on that score, it should all be made up to him, if he lived to return: "If fortune," says he, "ever restore me to my country; it shall be my special care, that you, above all my friends, have cause to rejoice at it: and though hitherto, I confess, you have reaped but little benefit from my kindness; I will manage so for the future, that whenever I am restored, you shall find yourself as dear to me as my Brother and my Children: If I have been wanting therefore in my duty to you, or rather, since I have been wanting, pray pardon me; for I have been much more wanting to myself". But Atticus begged of him to lay aside all such fancies, and assured him, that there was not the least ground for them; and that he had never been disgusted by any thing which he had either done, or neglected to do for him; entreating him to be perfectly easy on that head, and to depend always

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on his best services, without giving himself the trouble, even of reminding him". Yet after all, the suspicion itself, as it comes from one, who knew Atticus so perfectly, seems to leave some little blot upon his character: but whatever cause there might be for it, it is certain, that Cicero at least was as good as his word, and by the care which he took after his return, to celebrate Atticus's name in all his writings, has left the most illustrious testimony to posterity of his sincere esteem and affection for him.

Sextius was one of the Tribunes elect; and being entirely devoted to Cicero, took the trouble of a journey into Gaul, to solicit Cæsar's consent to his restoration, which though he obtained, as well by his own intercession, as by Pompey's letters, yet it seems to have been with certain limitations, not agreeable to Cicero: for on Sextius's return to Rome, when he drew up the copy of a law, which he intended to propose, upon his entrance into office; conformable, as we may imagine, to the conditions stipulated with Cæsar; "Cicero greatly disliked it; as being too general, and without the mention even of his name, nor providing sufficiently either for his dignity, or the restitution of his estate; so that he desires Atticus to take care to get it amended by Sextius".

The old Tribunes, in the mean while, eight of whom were Cicero's friends, resolved to make one effort more to obtain a law in his favor, which they jointly offered to the people on the twenty-eighth of October: but Cicero was much more dis-

pleased with this, than with Sextius's: it consisted of three articles; the first of which restored him only to his former rank, but not to his estate: the second was only matter of form, to indemnify the proposers of it; the third enacted, " that if there was any thing in it, which was prohibited to be promulgated by any former law, particularly by that of Clodius, or which involved the author of such promulgation in any fine or penalty, that in such case it should have no effect. Cicero was surprised, that his friends could be induced to propose such an act, which seemed to be against him, and to confirm that clause of the Clodian law, which made it penal to move any thing for him: " whereas no clauses of that kind had ever been regarded, or thought to have any special force, but fell of course, when the laws themselves were repealed: he observes, " that it was an ugly precedent for the succeeding Tribunes, if they should happen to have any scruples; and that Clodius had already taken the advantage of it, when in a speech to the people, on the third of November, he declared, that this act of the Tribunes was a proper lesson to their successors, to let them see how far their power extended. He desires Atticus therefore to find out, who was the contriver of it, and how Ninnius and the rest came to be so much overseen, as not to be aware of the consequences of it".

The most probable solution of it is, that these Tribunes hoped to carry their point with less difficulty.

ficulty, by paying this deference to Clodius's law, the validity of which was acknowledged by Cato, and several others of the principal Citizens"; and they were induced to make this push for it, before they quitted their office, from a persuasion, that if Cicero was once restored, on any terms, or with what restrictions soever, the rest would follow of course; and that the recovery of his dignity would necessarily draw after it every thing else, that was wanted: Cicero seems to have been sensible of it himself on second thoughts, as he intimates, in the conclusion of his letter; "I should be sorry", says he, "to have the new Tribunes insert such a clause in their law; yet let them insert what they please, if it will but pass and call me home, "I shall be content with it". But the only project of a law which he approved, was drawn by his Cousin C. Vesellius Aculeo, an eminent lawyer of that age, for another of the new Tribunes, T. Fadius, who had been his Quæstor, when he was Consul: he advised his friends therefore, if there was any prospect of success, to push forwards that law, which entirely pleased him".

In this suspense of his affairs at Rome, the troops, which Piso had provided for his government of Macedonia, began to arrive in great numbers in Thessalonica": This greatly alarmed him, and made him resolve to quit the place without delay: and as it was not advisable to move farther from Italy, he ventured to come still nearer, and turned back again to Dyrrachium: for though this was within the distance forbidden to him by law, yet

he had no reason to apprehend any danger, in a Town particularly devoted to him, and which had always been under his special patronage and protection. He came thither on the twenty-fifth of November, and gave notice of his removal to his friends at Rome, by letters of the same date, begun at Thessalonica and finished at Dyrachium<sup>\*\*</sup>: which shows the great haste, which he thought necessary, in making this sudden change of his quarters. Here he received another piece of news, which displeased him; " that with the consent " and assistance of his managers at Rome, the " provinces of the Consuls elect had been furnish- " ed with money and troops by a decree of the " Senate: " but in what manner it affected him, and what reason he had to be uneasy at it, will be explained by his own letter upon it to Atticus.

" When you first sent me word," says he, " that " the Consular Provinces had been settled, and " provided for by your consent; though I was " afraid, lest it might be attended with some ill- " consequence, yet I hoped, that you had some " special reason for it, which I could not pene- " trate: but having since been informed, both " by friends and letters, that your conduct is " universally condemned, I am extremely disturb- " ed at it; because the little hopes, that were left, " seem now to be destroyed: for should the new " Tribunes quarrel with us upon it, what farther " hopes can there be? and they have reason to " do so; since they were not consulted in it, " though they had undertaken my cause, and

B b 4

" have lost by our concession all that influence,  
" which they would otherwise have had over it;  
" especially when they declare, that it was for  
" my sake only, that they desired the power of  
" furnishing out the Consuls; not with design to  
" hinder them, but to secure them to my in-  
" tereft; whereas if the Consuls have a mind to  
" be perverse, they may now be so without any  
" risk; yet let them be never so well disposed,  
" can do nothing without the consent of the Tri-  
" bunes. As to what you fay, that if you had  
" not agreed to it, the Consuls would have car-  
" ried their point with the people; that could  
" never have been done against the will of the  
" Tribunes; I am afraid therefore, that we have  
" lost by it the affection of the Tribunes; or if  
" that still remains, have lost at least our hold on  
" the Consuls. There is another inconvenience  
" still, not less confiderable; for that important  
" declaration, as it was represented to me, that  
" the Senate would enter into nothing, till my affair  
" was settled, is now at an end; and in a case  
" not only unnecessary, but new and unprece-  
" dented; for I do not believe, that the Provinces  
" of the Consuls had ever before been provided  
" for until their entrance into office: but having  
" now broken through that resolution, which they  
" had taken in my cause, they are at liberty to  
" proceed to any other busines, as they please. It  
" is not however to be wondered at, that my  
" friends, who were applid to, should consent to  
" it; for it was hard for any one, to declare

“ openly against a motion, so beneficial to the  
“ Two Consuls; it was hard, I say, to refuse any  
“ thing to Leatulus, who has always been my  
“ true friend: or to Metellus, who has given up  
“ his resentments with so much humanity; yet I  
“ am apprehensive, that we have alienated the  
“ Tribunes, and cannot hold the Consuls: write  
“ me word, I desire you, what turn this has  
“ taken, and how the whole affair stands; and  
“ write with your usual frankness; for I love to  
“ know the truth, though it should happen to be  
“ disagreeable.” The tenth of December”.

But Atticus, instead of answering this letter, or rather indeed before he received it, having occasion to visit his estate in Epirus, took his way thither through Dyrrhachium, on purpose to see Cicero, and explain to him in person the motives of their conduct. Their interview was but short; and after they parted, Cicero, upon some new intelligence, which gave him fresh uneasiness, sent another letter after him into Epirus, to call him back again: “ After you left me,” says he, “ I received letters from Rome, for which I perceive, that I must end my days in this calamity; and to speak the truth, (which you will take in good part) if there had been any hopes of my return, you, who love me so well, would never have left the City at such a conjuncture: but I say no more; lest I be thought either ungrateful, or desirous to involve my friends too in my ruin: one thing I beg, that you would no fail, as you have given your word, to come

" to me, wherever I shall happen to be ; before  
" the first of January ".

While he was thus perplexing himself with perpetual fears and suspicions, his cause was proceeding very prosperously at Rome, and seemed to be in such a train, that it could not be obstructed much longer : for the new Magistrates, who were coming on with the new year, were all, except the Praetor Appius, supposed to be his friends ; while his enemy Clodius was soon to resign his office, on which the greatest part of his power depended : Clodius himself was sensible of the daily decay of his credit, through the superior influence of Pompey ; who had drawn Cæsar away from him, and forced even Gabinius to desert him : so that, out of rage and despair, and the desire of revenging himself on these new and more powerful enemies, he would willingly have dropped the pursuit of Cicero ; or consented even to recall him, if he could have persuaded Cicero's friends and the Senate to join their forces with him against the Triumvirate. For this end, " he produced Bibulus and the other Augurs in an Assembly of the people, and demanded of them, whether it was not unlawful to transact any public business, when any of them were taking the Aurespices ? " To which they all answered in the affirmative. " Then he asked Bibulus, whether he was not actually observing the heavens, as oft as any of Cæsar's laws were proposed to the people ? " To which he answered in the affirmative ; but being produced a second time by the

"Prætor Appius, he added, that he took the  
"Auspices also, in the same manner, at the  
"time when Clodius's act of adoption was con-  
"firmed by the people:" but Clodius, while he  
gratified his present revenge, little regarded how  
much it turned against himself; but insisted,  
"that all Cæsar's acts ought to be annulled by the  
"Senate, as being contrary to the Auspices; and  
"on that condition, declared publicly, that he  
"himself would bring back Cicero, the guardian  
"of the City, on his own shoulders."

In the same fit of revenge, he fell upon the Consul Gabinius; and in an assembly of the people, which he called for that purpose, with his head veiled and a little altar and fire before him, consecrated his whole estate. This had been sometimes done against traitorous Citizens; and when legally performed, had the effect of a confiscation, by making the place and effects ever after sacred and public: but in the present case, it was considered only as an act of madness; and the Tribune Ninnius, in ridicule of it, consecrated Clodius's estate in the same form and manner, that whatever efficacy was ascribed to the one, the other might justly challenge the same".

But the expected hour was now come, which put an end to his detestable Tribunate: it had been uniform and of a piece from the first to the last; the most infamous and corrupt that Rome had ever seen: there was scarce an office bestowed at home, or any favor granted to a Prince, State, or City abroad, but what he openly sold to the best bidder:

"The Poets" says Cicero, "could not feign a Charibdis, so voracious as his rapine: he conferred the title of King on those who had it not, and took it away from those who had"; and sold the rich Priesthoods of Asia, as the Turks are said to sell the Grecian Bishoprics, without regarding whether they were full or vacant; of which Cicero gives us a remarkable instance. "There was a celebrated Temple of Cybele, at Pessinus in Phrygia, where that Goddess was worshipped with singular devotion, not only by all Asia, but Europe too; and where the Roman Generals themselves often used to pay their vows and make their offerings." Her priest was in quiet possession, without any rival Pretender, or any complaint against him; yet Clodius, by a law of the people, granted this Priesthood to one Brogitarus, a petty Sovereign in those parts, to whom he had before given the title of King: and I shall think him a King indeed, says Cicero, if ever he be able to pay the purchase money: but the spoils of the Temple were destined to that use, and would soon have been applied to it; if Deiotarus, King of Galatia, a Prince of noble character, and a true friend to Rome, had not defeated the impious bargain, by taking the Temple into his protection, and maintaining the lawful Priest against the intruder; not suffering Brogitarus, though his son-in-law, to pollute or touch any thing belonging to it".

All the ten new Tribunes had solemnly promised to serve Cicero; yet Clodius found means

to corrupt two of them, S. Attilius Serranus, and Numerius Quinctius Gracchus; by whose help he was enabled still to make head against Cicero's party, and retard his restoration some time longer: but Piso and Gabinius, perceiving the scene to be opening apace in his favor, and his return to be unavoidable, thought it time to get out of his way, and retire to their several governments, to enjoy the reward of their perfidy: so that they both left Rome, with the expiration of this year, and Piso set out for Macedonia, Gabinius for Syria.

On the first of January the new Consul Lentulus, after the ceremony of his inauguration, and his first duty paid, as usual, to religion, entered directly into Cicero's affair, and moved the Senate for his restoration"; while his Colleague Metellus declared, with much seeming candor, "that "though Cicero and he had been enemies, on "account of their different sentiments in politics, "yet he would give up his resentments to the au- "thority of the Fathers, and the interests of the "Republic". Upon which L. Cotta, a per- son of Consular and Censorian rank, being asked his opinion the first, said, "that nothing had been "done against Cicero agreeably to right or law, "or the custom of their ancestors: that no Citi- "zen could be driven out of the City without a "trial; and that the people would not condemn, "nor even try a man capitally, but in an assem- "bly of their Centuries: that the whole was "the effect of violence, turbulent times, and an

A. Urb. 696.  
Cic. 50.  
Coff.  
P. CORNELI-  
US LENTU-  
LUS SPIN-  
THER,  
Q. CECILI-  
US METEL-  
LUS NEPOS.

“ oppressed Republic: that in so strange a revolution and confusion of all things, Cicero had only stepped aside, to provide for his future tranquillity, by declining the impending storm; and since he had freed the Republic from no less danger by his absence, than he had done before by his presence, that he ought not only to be restored, but to be adorned with new honors: that what his mad enemy had published against him, was drawn so absurdly both in words and sentiments, that, if it had been enacted in proper form, it could never obtain the force of a law: that since Cicero therefore was expelled by no law, he could not want a law to restore him, but ought not to be recalled by a vote of the Senate.” — Pompey, who spoke next, having highly applauded what Cotta said, added, “that for the sake of Cicero’s future quiet, and to prevent all farther trouble from the same quarter, it was his opinion that the people should have a share in conferring that grace, and their consent be joined also to the authority of the Senate.” After many others had spoken likewise with great warmth in the defence and praise of Cicero, they all came unanimously into Pompey’s opinion, and were proceeding to make a decree upon it, when Serranus, the Tribune, rose up and put a stop to it; not flatly interposing his negative, for he had not the assurance to do that, against such a spirit and unanimity of the Senate, but desiring only a night’s time to consider of it. This unexpected interruption incensed the whole

assembly; some reproached, others entreated him; and his Father-in-law, Oppius, threw himself at his feet to move him to desist: but all that they could get from him was a promise to give way to the decree the next morning; upon which they broke up. "But the Tribune," says Cicero, "employed the night, not as people fancied he would, in giving back the money, which he had taken, but in making a better bargain, and doubling his price; for the next morning, being grown more hardy, he absolutely prohibited the Senate from proceeding to any act". This conduct of Serranus surprised Cicero's friends, being not only perfidious and contrary to his engagements, but highly ungrateful to Cicero; who, in his Consulship, had been his special Encourager and Benefactor".

The Senate however, though hindered at present from passing their decree, were too well united, and too strongly supported, to be baffled much longer by the artifices of a faction: they resolved therefore, without farther delay, to proclaim a law to the people for Cicero's restoration; and the twenty-second of the month was appointed for the promulgation of it. When the day came, Fabricius, one of Cicero's Tribunes, marched out with a strong guard, before it was light, to get possession of the Rostra: but Clodius was too early for him: and having seized all the posts and avenues of the Forum, was prepared to give him a warm reception: he had purchased Gladiators, for the shows of his *Ædileship*, to which he was now pre-

tending; and borrowed another band of his brother Appius; and with these well armed, at the head of his slaves and dependents, he attacked Fabricius, killed several of his followers, wounded many more, and drove them quite out of the place, and happening to fall in at the same time with Cispius, another Tribune, who was coming to the aid of his Colleague, he repulsed him also with great slaughter. The Gladiators, heated with this taste of blood, "opened their way on all sides with their swords, "in quest of Quintus Cicero; whom they met "with at last, and would certainly have murdered, if by the advantage of the confusion "and darkness he had not hid himself under the "bodies of his slaves and freedmen, who were "killed around him; where he lay concealed, "till the fray was over." The Tribune Sextius was treated still more roughly; "for being particularly pursued and marked out for destruction, he was so desperately wounded, as to be "left for dead upon the spot; and escaped death, "only by feigning it:" but while he lay in that condition, supposed to be killed, Clodius, reflecting, that the murder of a Tribune, whose person was sacred, would raise such a storm, as might occasion his ruin, "took a sudden resolution to "kill one of his own Tribunes, in order to charge "it upon his adversaries, and so balance the account by making both sides equally obnoxious :" the victim doomed to this sacrifice was, Numerius Quintius, an obscure fellow, raised to this dignity by the caprice of the multitude, who, to make himself

himself the more popular, had assumed the surname of Gracchus: "but the crafty clown", says Cicero, "having got some hint of the design, and finding, that his blood was to wipe off the envy of Sextius's, disguised himself presently in the habit of a Muleteer, the same in which he first came to Rome, and with a basket upon his head, while some were calling out for Numenius, others for Quinctius, passed undiscovered by the confusion of the two names: but he continued in this danger, till Sextius was known to be alive; and if that discovery had not been made sooner than one would have wished, though they could not have fixed the odium of killing their mercenary were they designed it; yet they would have lessened the infamy of one villany, by committing another, which all people would have been pleased with." According to the account of this day's Tragedy, "the Tiber and all the common sewers were filled with dead bodies, and the blood wiped up with sponges in the Forum, where such heaps of slain had never before been seen, but in the civil dissensions of Cinna and Octavius".

Clodius, flushed with this victory, "set fire with his own hands to the Temple of the Nymphs; where the books of the Censors and the public registers of the City were kept, which were all consumed with the Fabric itself." He then attacked the houses of Milo the Tribune, and Cæcilius the Prætor, with fire and sword; but was repulsed in both attempts with

loss: Milo took several of Appius's Gladiators "prisoners, who, being brought before the Senate, made a confession of what they knew, and were sent to jail; but were presently released by Serranus". Upon these outrages Milo impeached Clodius in form, for the violation of the public peace: but the Consul Metellus, who had not yet abandoned him, with the Praetor Appius, and the Tribune Serranus, resolved to prevent any process upon it; "and by their edicts prohibited, either the criminal himself to appear, or any one to cite him". Their pretence was, "that the Quæstors were not yet chosen, whose office it was to make the allotment of the Judges; while they themselves kept back the election," and where pushing Clodius at the same time into the ædileship; which would screen him of course for one year from any prosecution. Milo therefore, finding it impracticable to bring him to justice in the legal method, resolved to deal with him in his own way, by opposing force to force; and for this end purchased a band of Gladiators, with which he had daily skirmishes with him in the streets; and acquired a great reputation of courage and generosity for being the first of all the Romans, who had ever bought Gladiators, for the defence of the Republic".

This obstruction given to Cicero's return by an obstinate and desperate faction, made the Senate only the more resolute to effect it: they passed a second vote therefore, that no other business should be done, till it was carried; and to prevent all

farther tumults, and insults upon the Magistrates, ordered the Consuls, to summon all the people of Italy, who wished well to the state, to come to the assistance and defence of Cicero<sup>111</sup>. This gave new spirits to the honest Citizens, and drew a vast concourse to Rome from all parts of Italy, where there was not a corporate Town of any note, which did not testify its respect to Cicero by some public act or monument. "Pompey was "at Capua, acting as chief magistrate of his new "Colony; where he presided in person at their "making a decree to Cicero's honor, and took the "trouble likewise of visiting all the other Colonies "and chief Towns in those parts," to appoint them a day of general rendez-vous at Rome, to assist at the promulgation of the law<sup>112</sup>.

Lentulus, at the same time, was entertaining the City with shows and stage-plays, in order to keep the people in good humor, whom he had called from their private affairs in the country, to attend the public business. The shows were exhibited in Pompey's Theatre, while the Senate, for the convenience of being near them, was held in the adjoining Temple of Honor and Virtue, built by Marius out of the Cymbric spoils, and called for that reason, Marius's Monument: here, according to Cicero's dream, a decree now passed in proper form for his restoration; when under the joint influence of those Deities, Honor, he says, was done to Virtue; and the Monument of Marius, the preserver of the Empire, gave safety to his Countryman, the defender of it<sup>113</sup>.

The news of this decree no sooner reached the neighbouring Theatre, than the whole assembly expressed their satisfaction by claps and applause, which they renewed upon the entrance of every Senator; but when the Consul Lentulus took his place, they all rose up, and with acclamations, stretched out hands, and tears of joy, publicly testified their thanks to him. But when Clodius ventured to show himself, they were hardly restrained from doing him violence; throwing out reproaches, threats and curses upon him: so that in the shows of Gladiators, which he could not bear to be deprived of, he durst not go to his seat in the common and open manner, but used to start up into it at once, from some obscure passage, under the benches, which on that account was jocosely called, the Appian way; where he was no sooner espied, than so "general a hiss ensued, "that it disturbed the Gladiators, and frightened "their very horses. From these significations," says Cicero, "he might learn the difference between "the genuine Citizens of Rome, and those packed "assemblies of the people, where he used to "domineer, and that the men, who lord it in "such assemblies, are the real aversion of the City; "while those who dare not show their heads in "them, are received with all demonstration of "honor by the whole people"."

When the decree passed, the famed Tragedian, *Æsopus*, who acted, as Cicero says, the same good part in the Republic, that he did upon the stage, was performing the part of *Telamon*, banished

from his country, in one of Accius's play's; where by the emphasis of his voice, and the change of a word or two in some of the lines, he contrived to return the thoughts of the audience on Cicero. "What he ! who always stood up for " the Republic ! who in doubtful times spared " neither life nor fortunes — the greatest friend in " the greatest danger — of such parts and talents " —O Father—I saw his houses and rich furniture " all in flames — O ungrateful Greeks, inconstant " people ; forgetful of services ! — to see such a " man banished ; driven from his country ; and " suffer him to continue so ?" — At each of which sentences there was no end of clapping. — In another tragedy of the same Poet, called Brutus, when instead of Brutus he pronounced Tullius who established the liberty of his Citizens; the people were so affected, that they called for it again a thousand times. This was the constant practice through the whole time of his exile, there was not a passage in any play, which could possibly be applied to his case, but the whole audience presently catched it up, and by their claps and ap- plauses loudly signified their zeal and good wishes for him \*\*\*.

Though a decree was regularly obtained for Cicero's return, Clodius had the courage and ad- dress still to hinder its passing into a law : he took all occasions of haranguing the people against it; and when he had filled the Forum with his merce- naries, "used to demand of them aloud, contrary " to the custom of Rome, whether they would

“ have Cicero restored or not; upon which his emissaries raising a sort of a dead cry in the negative, he laid hold of it, as the voice of the Roman people, and declared the proposal to be rejected.” But the Senate, ashamed to see their authority thus insulted, when the whole city was on their side, resolved to take such measures in the support of their decrees, that it should not be possible to defeat them. Lentulus therefore summoned them into the Capitol, on the twenty-fifth of May; where Pompey began the debate, and renewed the motion for recalling Cicero; and in a grave and elaborate speech which he had prepared in writing, and delivered from his notes, gave him the honor of having saved his country.” All the leading men of the Senate spoke after him to the same effect; but the Consul Metellus, notwithstanding his promises, had been acting hitherto a double part; and was all along the chief encourager and supporter of Clodius; when Servilius therefore rose up, a person of the first dignity, who had been honored with a triumph and the Censorship, he addressed himself to his kinsman, Metellus; and “ calling up from the dead all the family of the Metelli, laid before him the glorious acts of his ancestors, with the conduct and unhappy fate of his Brother, in a manner so moving, that Metellus could not hold out any longer, against the force of the speech; nor the authority of the Speaker, but with tears in his eyes, gave himself up to Setitius, and professed all future services to Cicero;”

in which he proved very sincere, and from this moment assisted his colleague in promoting Cicero's restoration : "so that in a very full house, of four hundred and seventeen Senators ; when all the Magistrates were present, the decree passed without one dissenting voice, but Clodius's <sup>107</sup> ;" which gave occasion to Cicero to write a particular letter of thanks to Metellus, as he had done once before, upon his first declaration for him <sup>108</sup>.

Some may be apt to wonder, why the two Tribunes, who were Cicero's enemies still as much as ever, did not persevere to inhibit the decree; since the Negative of a single Tribune had an indisputable force to stop proceedings; but when that negative was wholly arbitrary and factious; contrary to the apparent interest, and general inclination of the Citizens; if the Tribune could not be prevailed with by gentle means to recal it, the Senate used to enter into a debate upon the merit of it, and proceed to some extraordinary resolution; of declaring the author of such an opposition, an enemy to his country; and answerable for all the mischief, that was likely to ensue; or of ordering the Consuls to take care that the Republic received no detriment; which votes were thought to justify any methods, how violent soever, of removing either the obstruction or the author of it; who seldom cared to expose himself to the rage of an inflamed City, headed by the Consuls, and the Senate, and to assert his prerogative at the peril of his life.

This in effect was the case at present; when

the Consul Lentulus assembled the Senate again the next day, to concert some effectual method for preventing all farther opposition, and getting the decree enacted into a law: but before they met, he called the people likewise to the Rostra; where he, and all the principal Senators in their turns, repeated to them the substance of what they had said before in the Senate, in order to prepare them for the reception of the law: Pompey particularly exerted himself, in extolling the praises of Cicero; declaring, "that the Republic owed it's preservation to him; and that their common safety was involved in his; exhorting them to defend and support the decree of the Senate, the quiet of the City, and the fortunes of a man, who had deserved so well of them: that this was the general voice of the Senate; of the Knights of all Italy; and lastly, that it was his own earnest, and special request to them, which he not only desired, but implored them to grant". When the Senate afterwards met, they proceeded to several new and vigorous votes, to facilitate the success of the law: first, "that no magistrate should presume to take the Auspices, so as to disturb the assembly of the people, when Cicero's cause was to come before them: and that if any one attempted it, he should be treated as a public enemy." Secondly, "That, if through any violence or obstruction, the law was not suffered to pass, within the five next legal days of assembly, Cicero should then be at liberty to return, without any farther authority."

Thirdly, " That public thanks should be given  
" to all the people of Italy, who came to Rome  
" for Cicero's defence ; and that they should be  
" desired to come again, on the day when the  
" suffrages of the people were to be taken. "

Fourthly, " That thanks should be given  
" likewise to all the States and Cities, which had  
" received and entertained Cicero ; and that the  
" care of his person should be recommended to  
" all foreign nations in alliance with them ; and  
" that the Roman Generals, and all who had  
" command abroad, should be ordered to protect  
" his life and safety ".

One cannot help pausing a while, to reflect on the great idea, which these facts imprint of the character and dignity of Cicero ; to see so vast an Empire in such a ferment on his account, as to postpone all their concerns and interests, for many months successively, to the safety of a single Senator ; who had no other means of exciting the zeal, or engaging the affections of his Citizens, but the genuine force of his personal virtues, and the merit of his eminent services : as if the Republic itself could not stand without him, but must fall into ruins, if he, the main pillar of it, was removed ; whilst the greatest Monarchs on earth, who had any affairs with the people of Rome, were looking on, to expect the event, unable to procure any answer or regard to what they were soliciting, till this affair was decided : Ptolemy, the King of Egypt, was particularly affected by it ; who, being driven out of his Kingdom, came to Rome about this time,

to beg help and protection against his rebellious subjects; but though he was lodged in Pompey's house, it was not possible for him to get an audience till Cicero's cause was at an end.

The law, now prepared for his restoration, was to be offered to the Suffrage of the Centuries: this was the most solemn and honorable way of transacting any public business, where the best and gravest part of the City had the chief influence; and where a decree of the Senate was previously necessary to make the act valid: but in the present case, there seem to have been four or five several decrees, provided at different times, which had all been frustrated by the intrigues of Clodius and his friends, till these last votes proved decisive and effectual <sup>11</sup>. Cicero's resolution upon them was "to wait till the law should be proposed to the people; and, if by the artifices of his enemies, it should then be obstructed, to come away directly upon the authority of the Senate; and rather hazard his life, than bear the loss of his country any longer <sup>12</sup>." But the vigor of the late debates had so discouraged the chiefs of the faction, that they left Clodius single in the opposition: Metellus dropt him, and his brother Appius was desirous to be quiet <sup>13</sup>; yet it was above two months still from the last decree, before Cicero's friends could bring the affair to a general vote; which they effected at last on the fourth of August.

There had never been known so numerous and solemn an assembly of the Roman people as

this: all Italy was drawn together on the occasion; it was reckoned a kind of sin to be absent; and neither age nor infirmity was thought a sufficient excuse for not lending a helping hand to the restoration of Cicero: all the Magistrates exerted themselves in recommending the law, excepting Appius and the two Tribunes, who durst not venture however to oppose it: the meeting was held in the field of Mars, for the more convenient reception of so great a multitude; where the Senators divided among themselves the task of presiding in the several Centuries, and seeing the poll fairly taken: the result was, that Cicero was recalled from exile, by the unanimous suffrage of all the Centuries; and to the infinite joy of the whole City<sup>111</sup>.

Clodius however had the hardines, not only to appear, but to speak in this assembly against the law; but no body regarded or heard a word that he said: he now found the difference mentioned above, between a free convention of the Roman people, and those mercenary assemblies, where a few desperate Citizens, headed by slaves and gladiators used to carry all before them: where now, says Cicero, were those Tyrants of the Forum, those haranguers of the mob, those disposers of kingdoms? — This was one of the last genuine Acts of free Rome; one of the last efforts of public liberty, exerting itself to do honor to its patron and defender: for the union of the Triumvirate had already given it a dangerous wound; and their dissension, which not long after ensued, entirely destroyed it.

But it gave some damp to the joy of this glorious day, that Cicero's Son-in-law Piso happened to die not long before it, to the extreme grief of the family; without reaping the fruits of his Piety, and sharing the pleasure and benefit of Cicero's return. His praises however will be as immortal as Cicero's writings, from whose repeated character of him we learn, "that for parts, probity, virtue, "modesty, and for every accomplishment of a "fine Gentleman and fine speaker, he scarce left his "equal behind him, among all the young Nobles "of that age"."

Cicero had resolved to come home, in virtue of the Senate's decree, whether the law had passed or not; but perceiving from the accounts of all his friends, that it could not be defeated any longer, he embarked for Italy on the fourth of August, the very day on which it was enacted; and landed the next at Brundisium, where he found his daughter Tullia already arrived to receive him. The day happened to be the annual Festival of the Foundation of the Town; as well as of the Dedication of the Temple of Safety at Rome; and the birth-day likewise of Tullia; as if Providence had thrown all these circumstances together to enhance the joy and solemnity of his landing; which was celebrated by the people with the most profuse expressions of mirth and gaiety. Cicero took up his quarters again with his old host Lenius Flaccus, who had entertained him so honorably in his distress, a person of great learning as well as generosity; here he received the welcome news in four days from

Rome, that the law was actually ratified by the people with an incredible zeal and unanimity of all the Centuries<sup>11</sup>. This obliged him to pursue his journey in all haste and take leave of the Brundisians; who by all the offices of private duty, as well as public decrees, endeavoured to testify their sincere respect for him. The fame of his landing and progress towards the City, drew infinite multitudes from all parts, to see him as he passed, and congratulate him on his return: "so that the whole road was but one continued street from Brundisium to Rome, lined on both sides with crowds of men, women, and children; nor was there a præfecture, Town, or Colony through Italy, which did not decree him statues or public honors, and send a deputation of their principal members to pay him their compliments: that it was rather less than the truth, as Plutarch says, what Cicero himself tells us, that all Italy brought him back upon it's shoulders<sup>12</sup>. But that one day," says he, "was worth an immortality; when, on my approach towards the City, the Senate came out to receive me, followed by the whole body of the Citizens; as if Rome itself had left its foundations, and marched forward to embrace its Preserver<sup>13</sup>."

As soon as he entered the gates he saw "the steps of all the Temples, Porticoes, and even the tops of houses covered with people, who saluted him with an universal acclamation, as he marched forward towards the Capitol, where fresh multitudes were expecting his

“ arrival : yet in the midst of all this Joy he could “ not help grieving ,” he says , “ within himself , to “ reflect that a City so grateful to the defender of “ its liberty , had been so miserably enslaved and “ oppressed ” . ” The Capitol was the proper seat or throne , as it were , of the Majesty of the Empire ; where stood the most magnificent Fabric of Rome , the Temple of Jupiter , or of that God whom they styled the Greatest and the Best ” ; to whose shrine all , who entered the City in pomp or triumph , used always to make their first visit . Cicero therefore , before he had saluted his wife and family , was obliged to discharge himself here of his vows and thanks for his safe return ; where , in compliance with the popular superstition , he paid his devotion also to that tutelary Minerva , whom , at his quitting Rome , he had placed in the Temple of her Father . From this office of religion he was conducted by the same company , and with the same acclamations to his Brother’s house , where this great procession ended : which , from one end of it to the other , was so splendid and triumphant , that he had reason , he says , to fear , lest people should imagine that he himself had contrived his late flight , for the sake of so glorious a restoration ” . ”

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